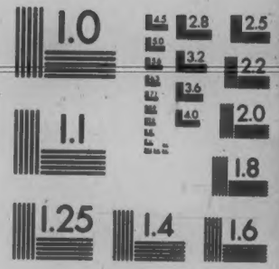
NATIONAL ARCHIVES CENTER

FORT WORTH, TEXAS



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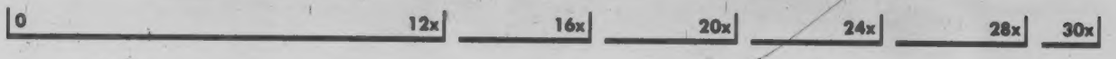

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 339

CHEROKEE R409 - R486

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher R 409

Cher R 409

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 20, 1906.

In the matter of the application of Frederick Hall for the enrollment of himself and children as Cherokees by blood and his wife as a Cherokee by intermarriage: He appearing before the Commission, and being sworn and examined, testified as follows:

Q What is your name? A Frederick Hall.
Q How old are you? A 36.
Q What is your post office address? A Vinita.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A I think seven 1/32.
Q For whom do you make application, who do you want to have enrolled? A My family.
Q What does your family consist of, yourself, wife and how many children? A Three children.
Q How long have you actually resided in the Cherokee Nation? A Now fifteen years, most all my life.
Q Have you been outside the Cherokee Nation within the past three years? A No, sir.
Q When was the last time you were out of the Cherokee Nation, how long ago had that been? A Went out on a visit about five years ago.
Q How long did you stay? A About a week I guess.
Q What is the name of your father? A W. H. Hall
Q Is your father living? A Yes, sir.
Q Is he a Cherokee by blood? A No, sir.
Q What is the name of your mother? A Martha Hall.
Q Is your mother living? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Katie E. Hall.
Q Is she living? A Yes, sir.
Q How old is she? A About 32.
Q Is she a white woman or a Cherokee? A She is a white woman.
Q What is the name of her father? A Burgin.
Q Is he living? A Yes, sir.
Q What is the name of her mother? A Mary Jane I think.
Q Is she living? A Yes, sir.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A No, sir.
Q Give me the name of your eldest child? A Martha May.
Q How old is she? A She will be 4 years old in February.
Q The next child? A William Morton, 23 months old.
Q Is that all the children? A No, sir.
Q What is the name of the next one? A Arthur Lee, 6 years months old.
Q These children are all alive and living with you at the present time? A Yes, sir.
Q You are the father of all the children? A Yes, sir.
Q Your wife is the mother? A Yes, sir.
Q When were you married? A It will be four years ago the 11th of March.
Q Have you any evidence of your marriage? A Yes, sir.
(The applicant presents a marriage certificate showing that he was married to Katie E. Burgin on the 11th day of March, 1902, by Robert H. Long, a minister of the Gospel. The license and certificate are filed herewith.)
Q What is your mother's name now? A Her name is Martha Hall.
Q Is she enrolled under that name? A I reckon so.
Q Has she ever been married since she married your father? A No, sir; they have all enrolled but me.
Q Have you lived with your wife continuously since you were married in 1902? A Yes, sir, since I married.
Q Living with her now? A Yes, sir.
Q Have you ever married before? A No, sir.

Q Was she? A No, sir.

Q Were you or your parents ever admitted to citizenship by an act of the Cherokee National Council or the Commission on Citizenship?

A Yes, sir.

(The applicant presents a certificate of admission to Cherokee citizenship, issued on the 28th day of September, 1888, signed by J. T. Adair Chairman of the Commission on Citizenship, attested by Henry Hiffert, Clerk of the Commission on Citizenship, approved and endorsed by D. W. Bushyhead, Principal Chief of the Cherokee Nation. The document bears the seal of the Cherokee Nation. Various parties were admitted to citizenship at that time, among whom appears the name of one Frederick Hall, male, age 13 years.)

Q Are you the identical Frederick Hall whose name is mentioned in this document? A Yes, sir.

(The document and certificate are filed herewith.)

Q Where were you living when you were admitted to citizenship?

A Living in the Delaware district.

Q Have you resided in the Cherokee Nation continuously since that time? A Yes, sir.

(Frederick Hall on 1896 roll, Page 185, No. 2482, Coowescoowee district. Katie Hall on 1896 roll, Page 309, No. 409, Katie Hall, Coowescoowee district.)

Q What was your mother's name before she was married to Hall?

A Childers, I think, if I am not mistaken.

Mr. Cale Starr, representative of Cherokee Nation: What was your grandmother's name on your mother's side? A Her name was Childers first and her last name was Paris.

The applicant applies for the enrollment of himself and four children as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage. He presents satisfactory proof as to his admission to citizenship in the Cherokee Nation on the 28th of September, 1888. He has resided here continuously since that time. He is identified on the census roll of 1896 as a native Cherokee, and will be listed for enrollment by this Commission as a Cherokee citizen by blood. When he files with the Commission properly executed affidavits as to the births of his three children, they likewise will be enrolled with him as citizens by blood of the Cherokee Nation.

His wife is identified upon the census roll of 1896 as an adopted white. He produces satisfactory proof as to his marriage to her on the 11th of March, 1898. That was too late for her to acquire property rights in the Cherokee Nation in accordance with the Cherokee law of 1895 regulating marriages. Her application, therefore, for enrollment as a citizen by intermarriage is rejected.

---o---

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the [illegible] day of November, 1906.

Bruce G. Jones

C. R. Mullin

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOV 1 1900
ACTING CHAIRMAN

Department of Commerce and Labor
Bureau of Indian Affairs

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name Tina D

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License (I) Certificate

Wife's name Katie E Hall

District COOWEESCOOWEE Year 1896 Page 307 No. 499

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Cherokee Date of marriage January 5th 1896

License Certificate 31

Names of Children: Rejected — married two

	Dist.	Year	Page	No.	Age
Tate	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Wife of Turner Hall

in 1896 also as Katie Hall

C. R. 409

COMMISSION
FILED
JAN 30 1902
Acting Chairman.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Katie E. Hall, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in saiddecision as number R. four hundred and nine, it is entitled Katie E. Hall, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-409.

ans

COMMISSIONERS:
TIMOTHY L. CROOK,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
ALLEN L. ROBERTS,
SECRETARY.

CONTEST CASE No. 6. 699

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1902

Mrs. Katie M. Hall,

Vera, Indian Territory.

Madam:-

On the 29th day of November, 1900, your husband, Frederick Hall,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

R 11.C.7

CO.

H.R. 323.

FILED
JAN 2 1902

A. F. M. CHAIRMAN

R 4b

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 11th day of March, 1896, 190..., to one Frederick Hall, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,

Acting Chairman.

Register

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner

GAW
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273 inclosures.

1956.

L. R. R. 788 -1902.
R. 6.2552.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C.

February, 22, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Katie E. Hall, Memorandum 209, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, Memorandum R. 335.

Respectfully,

Thos. Ryan,
Acting Secretary.

Cherc. R 409.

Muskogee, Indian Territory, March 14, 1902.

Katie E. Hall,

Vera, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Veryrespectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-409.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty, for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Katie E. Hall, Cherokee No. R. 409, for enrollment as a Citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 410

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., NOV. 20th, 1900.

IN THE MATTER OF THE APPLICATION OF Thomas J. Fields for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and the said Fields, appearing before the Commission, and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:
Q What is your name? A. Thomas J. Fields.
Q How old are you? A Twenty one.
Q What is your Postoffice address? A Afton, I. T.
Q Are you a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood do you claim?
A About one half I guess.
Q For whom do you make application? A Myself, wife and baby.
Q How long have you actually resided in the Cherokee Nation?
A All my life.
Q Have you been out of the Cherokee Nation within the past three years? A Never, except visiting some.
Q How long were you gone? A Two or three months at a time.
Q Did you remove your effects from the Territory when you went away? A No sir.
Q What is the name of your father? A George Fields.
Q Is he living? A Yes sir.
Q Is he a Cherokee by blood, or a white man? A He is a Cherokee by blood.
Q What is the name of your mother? A Sarah Fields.
Q Is your mother living? A Yes sir.
Q Is she a white woman? A No sir, she is a Cherokee.
Q Does your name appear upon the roll of 1880?
A Yes sir, I suppose it does.
Q What district were you living in at that time? A Delaware.
Q What district were you living in in 1896? A Delaware.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Nellie Fields.
Q Is she living. A Yes sir.
Q How old is she? A Twenty one.
Q Is she a Cherokee by blood? A No sir., by adoption.
Q What is the name of her father? A William Todd.
Q Is he living? A Yes sir.
Q What is the name of your wife's mother? A Harriet Todd.
Q Is she living? A Yes sir.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A No sir: They never lived in the Nation I guess.
Q Give me the name of your child? A Alva Loyd.
Q Is this child living and living with you at the present time?
A Yes sir.
Q You are the father of the child? A Yes sir.
Q Your wife is the mother? A Yes sir.
Q When were you married? A It was in 1898; here's the certificate.

The applicant presents a marriage certificate, certifying that T. J. Fields and Nellie Todd were united in matrimony on the 29th day of June, 1898, by A. W. Hunt, Justice of the Peace. The certificate is filed herewith.
Q Where were you living at the time of your marriage? A I was living at home down in the Nation with my father.
Q In the Cherokee Nation? A Yes sir.
Q Where were you married? A Pineville, Missouri.
Q Was your wife living there at that time? A No sir, she was living at South West City, Missouri.
Q Did you come back to the Nation immediately after you were married? A Yes sir.

[illegible] was proof actual residence on the 28th day of June, 1902 [illegible] was staying with my [illegible]
in the Cherokee Nation. A [illegible]

(1880 Roll, Page 238, [illegible], Delaware District)
(1896 Roll, Page 376, [illegible], Delaware District)

The applicant applied for the enrollment of himself and one child as citizens by blood of the Cherokee Nation, and for the enrollment of his wife as a citizen by intermarriage. He is identified on the authenticated roll of 1880 and upon the Dawes roll of 1896 as a Native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a citizen by blood of the Cherokee Nation.

When he files with the Commission a properly executed affidavit as to the birth of his child, Alva Lynn Fields, this child also will be listed for enrollment as a citizen of the Cherokee Nation by blood.

He produces satisfactory proof as to his marriage on the 27th of June, 1902 to his present wife, Nellie [illegible]. This was too late for her under the Cherokee marriage law of 1895 to acquire property rights in the Cherokee National Community. The application for her enrollment as a citizen by intermarriage of the Cherokee Nation is rejected.

The undersigned, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, has correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 23rd day of November, 1909.

[illegible]

[illegible]

P

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name Allen D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Nellie Fields

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage 29th June 1894

License Certificate

Names of Children: Rejected — married not Lee

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

wife of Thomas J Fields

FILED
JAN 1992

ASTING CHAIRMAN

Muskogee, Indian Territory, January 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Nellie Fields, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and ten, it is entitled Nellie Fields, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. 0-410.

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COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDRINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee case No. 2-610.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Jan. 28,1902.

Mrs. Nellie Fields,

Afton, Indian Territory.

Madam:-

On the 20th dayof November, 1900, your husband, Thomas J. Fields, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission," shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; ---"

The first citation of the law shows that in the matter of placing intermarried persons on said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people of the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood whoare recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 29th day of June, 1898, to your said husband, Thomas J. Fields, a citizen by blood of the Cherokee Nation; that you are not identified on the Cherokee Census Roll of 1896, and that your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into

R 410 S

effect "from and after the passage" of the same.

In view of the law and testimony in this case the application of your husband Thomas J. Fields, for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY _____

Acting Chairman.

Enc C R-410

Register.

(8077)

Refer in reply to the following:

Land.
7908-1902.
7872-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1896, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner

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D. C. 3833.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Nellie Fields, case R. and, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of Department in the case of Ida J. Smith, D. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Cherc. R 410.

Muskogee, Indian Territory, March 14, 1902.

Nellie Fields,

Afton, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-410.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902 rejecting the application of Nellie Fields, Cherokee No. R. 410, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MAR 18 1902 MUSKOGEE, IND. TER.

RETURN TO WRITER

Nellie Colbert
Afton,
I.T.

AFTON MAY 14 1902 I.T.

REGISTERED
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MUSKOGEE, IND.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

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~~H.T.~~
Dont know address

Mrs. Jennie Fields,

Afton,

Indian Territory.

Cher R 411

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHOCTAW, I.T., NOV. 20TH 1900.

IN THE MATTER OF THE APPLICATION OF J. R. MERRELL for the enrollment as citizens of the Cherokee Nation of Baxter Garland, wife and children, and the said Merrell, appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commissioner:
Q What is your name? A J. R. Merrell.
Q What is your Postoffice address? A Chelsea.
Q What is your age? A Thirty three.
Q Are you a recognized citizen of the Cherokee Nation? A I do not know how to answer that.
Q Have you been enrolled? A Yes sir; I was enrolled yesterday.
Q For whom do you want to make application? A Baxter Garland, his wife and children.
Q How many children are living at home with him? A Three. Two single and one married.
Q How many children has he under twenty one years of age and unmarried? A Two.
Q Why does not Mr. Garland apply for in person before the Commission? A He did and you ran him out this morning.
Q He is afflicted with small pox, is he not? A I do not know.
Q The Commission refused to enroll him this morning because he was afflicted with small pox? A Yes sir.
Q How old is Baxter Garland? A Forty eight years old.
Q What is his Postoffice address? A Chelsea.
Q Is he a citizen of the Cherokee Nation by blood? A No sir.
Q By adoption? A Yes sir.
Q How long has he resided in the Cherokee Nation?
A About eighteen years as near as I can come at it: He was admitted in 1883.
Q Do you know of your own personal knowledge whether Baxter Garland has been outside of the Cherokee Nation within the past three years for any purpose? A No sir; he has not.
Q Do you know the name of his father? A Rix Garland.
Q Is he living? A No sir.
Q Was he a Cherokee or white man? A White man.
Q What is the name of his mother? A Sallie Garland.
Q Is she living? A No sir.
Q Was she a Cherokee? A No sir.
Q Is Baxter Garland married? A Yes sir.
Q What is the name of his wife? A Elizabeth.
Q Is she living? A Yes sir.
Q How old is she? A Fifty two.
Q Is she a Cherokee by blood? A Yes sir.
Q What degree of Cherokee blood does she claim to have?
A One fourth.
Q How long has she resided in the Cherokee Nation?
A Something like eighteen years.
Q Do you know of your own personal knowledge whether she has been outside of the Cherokee Nation in the last three years?
A She has not.
Q What is the name of her father? A It seems to me like it was William Dawes: I am not sure.
Q Is he living or dead? A Dead.
Q Was he a Cherokee or a white man? A White man.
Q What is the name of her mother? A Nancy.
Q Is she living? A No sir.
Q Was she a Cherokee? A Yes sir: Her maiden name was Welch.
Q Give me the names and ages of the children living at home with Baxter Garland? A Lillie.
Q How old is she? A Sixteen.
Q Next child? A John.

Q How old is the boy? A He is thirteen.
Q Next child? A That is all unmarried.
Q Are these children both living and living at home with Baxter Garland at the present time? A Yes sir.
Q Baxter Garland is the father of these children? A Yes sir.
Q And his present wife is the mother? A Yes sir.
Q Were these children born in the Cherokee Nation? A Yes sir.
Q Have they always resided here since that time? A Yes, sir.
Q Was Baxter Garland or his wife ever admitted to citizenship by Act of the Cherokee National council? (Applicant hands paper to Commissioner)

Applicant presents a certified copy of an Act of the Cherokee Commission on citizenship, dated Tahlequah, on the 3rd day of September, 1883, admitting various persons to citizenship in the Cherokee Nation: Among them appears the name of Elizabeth Garland.

Q Do you know whether the Elizabeth Garland mentioned in this document is the wife of Baxter Garland, for whom you are now applying?
A Yes sir; she is.
Q Baxter Garland was not admitted when his wife was? A No sir, I suppose not.
Q Has she resided continuously in the Cherokee Nation since her admission? Yes sir.
Q She was living here at that time, was she? A In Flint District, yes sir.
Q When was Baxter Garland married to his wife? A Married in Georgia September 4th, 1870.
Q Do you know whether or not he was ever remarried according to the laws and customs of the Cherokee Nation, after his wife was admitted to citizenship?
A He was remarried since that Council passed that Act: Since December 8th.
Q When was he remarried? A I have forgot what year: He was remarried since 1895. He has his license in his pocket.

The applicant presents a Cherokee marriage license, authorizing marriage between Baxter Garland and Mrs. Elizabeth Garland, nee Dawes. License is signed by Joe M. Lahay, by R. Lee Comer, a Deputy Clerk Cooweescoowee District, issued on the 16th day of August, 1897, and a certificate showing that the marriage was consumated on the 16th day of August, 1897, by R. Lee Comer, Deputy Clerk, Cooweescoowee District. The license and certificate are filed herewith.

(1896 Roll, Page 168, #2006, Minnie Garland, Geo. D'at)
(1896 Roll, Page 168, #2008, Lillie Garland, Geo. D'at)
(1896 Roll, Page 168, #2009, John Garland, Geo. D'at)

J. R. Merrell applies for the enrollment of Baxter Garland as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Elizabeth Garland, and her two children, Lillie and John Garland as citizens of the Cherokee Nation by blood.
He present proof, showing that Baxter Garland was married in accordance with the laws and customs of the Cherokee Nation on the 16th day of August, 1897. This was too late for said Garland to acquire property rights in the Cherokee Nation, under the Cherokee law of 1895, regulating marriages. His application therefore for enrollment as a citizen by intermarriage of the Cherokee Nation is rejected.
A satisfactory proof as to the admission of said Garland's wife, Elizabeth Garland, to citizenship in the Cherokee Nation, has been produced. She has resided in the Cherokee Nation continuously since her admission on the 3rd day of September, 1883. She is identified upon the census roll of 1896 as a native Cherokee, and she will be

[illegible] listed [illegible] grab by this Commission, [illegible] are also [illegible] titled on [illegible] they will [illegible] excellent [illegible] by [illegible].

The undersigned, being sworn, states that as stenographer to the Commission in the Fire Civilian Crimes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 21st day of November, 1990.

Statement of Applicant Taken Under Oath.

Statement of Applicant Taken Under Oath.

(78)

CHEROKEES BY BLOOD AND ADOPTION.

Date July 20 1900 1900.

Name Baxter Garland Chilsa I.T.

District ..... Year 1896 Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Rejected married too Late

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
Husband Elizabeth Garland					

R411

COMMISSION TO [illegible] UNITED STATES

FILED

APR 1[illegible] 1902

ACTING CHAIRMA[illegible]

MARRIAGE LICENSE. 3-411

CHEROKEE NATION, Goweeseoowee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Baxter Garland, a citizen of the United States, and Mrs Elizabeth Garland (nee) Dawes a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 16th day of August 1897.

Joe M. Lahey.

Clerk Goweeseoowee District

By. R. Lee Comer, Dept Clk.

I hereby certify that I united the parties named within in the Holy Bonds of Matrimony on this the 16th day of August, 1897.

Joe M. Lahey, Clerk.
By R. Lee Comer,
Dept. Clk.

Recorded on page 269 Book "E" Record of Marriages Goweeseoowee District, C. N.

Joe M. Lahey Clerk.
Goweeseoowee District.
By R. Lee Comer,
Dept. Clk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 16, 190

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Baxter Garland as citizen of the Cherokee Nation.

Commissioner.

LD R-1111

COM[illegible] [illegible]ER.

FI[illegible]D

JAN 30 1902

[illegible] ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Baxter Garland, refused by theCommission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eleven, it is entitled Baxter Garland, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-411.

Glad

Cherokee case No. R-411.

Muskogee, Indian Territory,

January 28, 1902.

Mr. Baxter Garland,

Chelsea, Indian Territory.

Sir:-

On the 20th day of November, 1900, Mr. J. R. Merrell appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation. It seems that you and your family were suffering from small pox and were thus prevented from making personal application.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495.):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of anyone of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancyof the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable to this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were first married to your present wife, Elizabeth Dawes, in 1870; that your said wife was admitted to citizenship in the Cherokee Na-

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ACTING CHAIRMAN.

tion on the 3rd day of September, 1883, and you were re-married to her by authority of a Cherokee marriage license, on the 16th day of August, 1897. It does not appear that you are identified on the Cherokee Census Roll of 1896, and your marriage to your said wife under a Cherokee license was contracted after the enactment of the Cherokee marriage law of December 16th, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby.
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7372-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner

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273 inclosures.

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[illegible]

I. T. D. [illegible]-1902.
D. C. [illegible].

DEPARTMENT OF THE INTERIOR,
[illegible],

[illegible] January 28, 1902.

Commission to the Five Civilized Tribes,
[illegible], I. T.

Gentlemen:

Your decision of January 25, 1902, rejecting the application of [illegible], case [illegible], for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, I. 331.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. N 411.

Muskogee, Indian Territory, March 14, 1902.

Parker Garland,

Chelsea, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDCINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-411.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1908, rejecting the application of Baxter Garland, Cherokee No. R. 411, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 25th day of February 1908.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1902.

Mr. Baxter Gulland,
Chelsea, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 18th day of August, 1897, to Mrs. Elizabeth Gulland (nee) Dunn.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Encl.-Ell.

Cher R 412

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOV. 28th, 1900.

IN THE MATTER OF THE APPLICATION OF J. R. Merrell for the enrollment of Frederick Garland and wife as citizens of the Cherokee Nation, and the said Merrell being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:
Q What is your name? A J. R. Merrell.
Q What is your Postoffice address? A Chelsea.
Q What is your age? A Thirty three.
Q You now desire to make application for whom? A Frederick Garland and wife.
Q Why does he not appear in person before the Commission?
A On account of the small pox.
Q How old is Garland? A He is eighteen.
Q What is his postoffice address? A Chelsea.
Q Is he a citizen by blood of the Cherokee Nation? A Yes sir.
Q What degree of Cherokee blood does he claim? A One eighth.
Q How long has he resided in the Cherokee Nation?
A Ever since 1883.
Q Do you know of your own knowledge whether he has been outside of the Cherokee Nation in the past three years? A He has not.
Q What is the name of his father? A Baxter Garland.
Q What is the name of his mother? A Elizabeth Garland.
Q Are his parents both living? A Yes sir.
Q Is his father a Cherokee or a white man? A White man.
Q Is his mother a Cherokee? A Yes sir.
Q Was his mother ever admitted to citizenship by act of the Cherokee National Council? (Applicant hands paper to Commission)

The applicant presents a certified copy of an Act of the Cherokee Commission on Citizenship, dated Tahlequah, on the 3rd day of September, 1883. The document is signed by Thomas Talkee, President of the Commission, Alex Wolf and T. F. Thompson, Commissioners, and D. W. C. Duncan, Clerk.
Among the persons admitted to citizenship at that time appears the name of one, Frederick Garland: Is the Frederick Garland mentioned in this Act the identical person for whom you now apply?
A Yes sir.

Q Has he resided in the Cherokee Nation continuously since he was admitted to citizenship? A Yes sir., Flint District/
Q Is Frederick Garland married? A Yes sir.
Q What is the name of his wife? A Myrtle Garland.
Q Is she living? A Yes sir.
Q How old is she? A Fifteen.
Q Is she a Cherokee or a white woman? A White woman.
Q When was he married to her (No response)

The applicant presents a marriage license, authorizing the marriage of Frederick Garland to Miss Myrtle Kiss. License issued by Charles A. Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, on the 30th day of July, 1900., and the certificate shows that said marriage was consummated by R. C. Parker, Minister of the Gospel, on the 31st day of July, 1900.

Q Have Garland and his wife been living together continuously since they were married? A Yes sir.
Q Neither of them were ever married before? A No sir.

(1896 Roll, Page 168, #2087, Freddie Garland, Geo. D'st)

[illegible]

[illegible]

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of [illegible], 1909.

[illegible]

412

DEPARTMENT
1899

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 28 1900 1900.

Name Chelsea I. D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License 15 Certificate

Wife's name Myrtle Garland

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage 31st July 1900

License Certificate

Names of Children

Rejected married case

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Wife of Freddie Garland

C R 1112

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JAN 30 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Myrtle Garland, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twelve, it is entitled Myrtle Garland, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-412.

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Cherokee case No. R-412.

Muskogee, Indian Territory, January 28, 1902.

Mrs. Myrtle Garland,

Chelsea, Indian Territory.

Madam:-

On the 20th day of November, 1900, Mr. J. R. Merrell appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation. It seems that you were suffering from small pox and were thereby prevented from making a personal application to the Commission.

The Commission to the Five Civilized Tribes is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee

laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable to this case was passed by the Cherokee National Council and was approved December 16,1896. It is as follows:

> "That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares, or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white woman; that you were married on the[illegible]th day of July,1900,

FILED
JAN 30 1902

ACTING CHAIRMAN.

R 412 3

to Frederick Garland, a citizen by blood of the Cherokee Nation. It does not appear that you are identified on the Cherokee Census Roll of 1896, and your marriage to Frederick Garland was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,
Acting Chairman.

Reguster.

Refer in reply to the following:

Land.
7008-1902.
7372-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to grant no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws of parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

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273 inclosures.

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L. [illegible]

I. T. D. 797, 1903.
R. C. 3662.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 24, 1903, rejecting the application of Hyttie Sealey, enrollment No. [illegible], for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Ida E. Smith, enrollment R.[illegible].

Respectfully,

Thos. Ryan,
Acting Secretary.

Cherw. N 412.

Muskogee, Indian Territory, March 14, 1902.

Myrtle Garland,

Chelsea, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Registrar.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-412.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Myrtle Garland, Cherokee No. R.412, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 24th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Chor R 413

Opp

THE STATUTE OF THE INTERIOR,
CONTAINING TO THE FIVE CIVILIZED TRIBES.
Muskogee, I.T., Nov. 20th 1906.

IN THE MATTER OF THE APPLICATION OF John A. Rudolph for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and the said Rudolph, appearing before the Commission and being sworn by Commissioner, C. R. Breckinridge, testified as follows:

By the Commission:
Q What is your name? A John A. Rudolph.
Q How old are you? A Twenty three.
Q What is your Postoffice address? A Westmore.
Q Are you a Cherokee by blood? A Yes sir.
Q For whom do you make application? A Myself, wife and two children.
Q What degree of Cherokee blood do you claim? (No response)
Q How long have you actually resided in the Cherokee Nation?
A All my life.
Q Have you been outside of the Cherokee Nation for any purpose within the past three years? A No sir, I have not.
Q What is the name of your father? A William Adolphus Rudolph.
Q Is he living? A No sir, dead.
Q Was he a Cherokee? A Yes sir.
Q What is the name of your mother? A Lucy Ann.
Q Is she living? A Yes sir.
Q Is she a Cherokee? A Yes sir.
Q Were your name appear upon the roll of 1896? A Yes sir.
Q What district were you enrolled in at that time? A Delaware.
Q What district were you living in in 1896? A Delaware.
Q Are you married? A Yes sir.
Q What is the name of your wife? A Josephine.
Q Is she living? A Yes sir.
Q Has your wife any middle name? A That is all of it.
Q Is she living. A Yes sir. Three
Q How old is she? A Twenty one.
Q Is she a Cherokee or a white woman? A White woman.
Q What is the name of her father? A Marion Vaughn.
Q Is he living? A Yes sir.
Q What is the name of your wife's mother? A Ella Vaughn.
Q Is she living? A She is dead.
Q Were your wife's parents ever recognized as citizens of the Cherokee Nation? A No sir.
Q Give me the name of your eldest child? A John Ray.
Q How old is she? A About sixteen months old.
Q What child? A William Adolphus.
Q How old is he? A About two weeks old.
Q Are these children both living and living with you at the present time? A Yes sir.
Q You are the father of these children, and your present wife is the mother? A Yes sir.
Q When were you married? A 1905.
Q Have you any evidence of your marriage? (Applicant hands paper to Commission)

The applicant presents a marriage license, evidencing marriage of John Rudolph and Nora Vaughan. License was issued by Thomas H. Stone A. Worley, Clerk of the United States Court for the Northern District of the Indian Territory, on the 26th day of October, 1905, and the certificate shows that said marriage was consummated by W. H. Thompson, Minister of the Gospel, on the 27th day of October, 1905. License and certificate are filed herewith.

Q Has you lived with your wife continuously since you married her?
A Yes sir.

Were you ever married before? A. No sir.
Was your wife ever married before? A. No sir.

(Page Roll, Page 448, [illegible], Johny Bullet, Delaware District)
(Page Roll, Page 448, [illegible], Johny Bullet, Delaware District)

The applicant applies for the enrollment of himself and two children to Cherokee citizens by blood, and for the enrollment of his wife as a Cherokee citizen by intermarriage. He is identified upon the authenticated roll of 1880, and upon the census roll of 1896, as a native Cherokee. He has lived in the Cherokee Nation all his life, and will now be listed for enrollment as a Cherokee citizen by blood.

When he files with the Commission properly executed affidavits of the birth of his two children, Lulu May and William Adolphus, they likewise will be listed for enrollment with him as Cherokee citizens by blood.

He produces satisfactory proof as to his marriage to his present wife, Josephine, on the 20th day of October, 1898. His wife is a white woman. She is not identified on the roll of 1896. She married too late to acquire a property right in the Cherokee Nation, in accordance with the laws of the Cherokee Nation of 1896, regulating marriage; consequently, the application he makes on behalf of his wife for enrollment as a citizen of the Cherokee Nation by intermarriage is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of November, 1906.

FOREMAN.

B 1415

DEPART

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name Nellie D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Josephine Daniels

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage Oct 29th 1898

License Certificate

Names of Children: Reported married 100 Dist.

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Wife of John A Daniels

DEPARTMENT OF [illegible]
COMMISSION TO [illegible] TRADES

FILED

JAN 30 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Josephine Daniels, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and thirteen, it is entitled Josephine Daniels, and be known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-413.

(61)

CONTROVERSY CASE NO. 8 ____ 415

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1903.

Mrs. Josephine Daniels,

Woodmere, Indian Territory.

Madam:

On the 20th day of November, 1900, your husband, John A. Daniels,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

A R 413

DEPARTMENT OF
COMMISSION TO
FILED
JAN 30 1902

ACTING CHAIRMAN.

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 29th day of October, 1898, 190..., to one John A. Daniels, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,
Acting Chairman.

Register.

(6977)

Refer in reply to the following:

Land.
7908-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1903, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1903, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 320 to 324 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner

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D. O. 5887.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Josephine Daniels, Memorandum R. 418, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Mr. J. Smith, Memorandum R. 519.

Respectfully,

Thos Ryan,
Acting Secretary.

Cherc. R 418.

Muskogee, Indian Territory, March 14, 1902.

Josephine Daniels,

Needmore, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-415.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Josephine Daniels, Cherokee No. R. 415, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 25th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 414

Del.#347.
R.#414.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., NOV. 20th, 1900.

In the matter of the application of ~~Nickment~~ Edward Olinthus Nidiffer for the enrollment of hi mself and child as citizens of the Cherokee Nati on, and he being sworn by Commissioner Breckinridge, testified as follows:

By the Commission:
Q What is your name please? A Edward Olinthus Nidiffer.
Q How old are you? A Twenty three.
Q What is your post office address? A Afton.
Q Are you a Cherokee by blood? A Cherokee and Delaware both.
Q What degree of indian blood do you claim? A I do not know just how much Cherokee I am: More delaware than Cherokee.
Q How much indian blood do you claim? A About one fourth I guess.
Q For whom do you make application? A Myself and one child.
Q Yourself and one child? A Yes, sir.
Q How long have you actually resided in the Cherokee Nation? A All my life.
Q Have you been outside of the Cherokee Nation for any purpose within the past three years? A No, sir.
Q What is the name of your father? A Freeman Nidiffer.
Q Is he living? A Yes, sir.
Q Is your father a Cherokee or Delaware? A Cherokee.
Q What is the name of your mother? A Mary R.
Q Is she living? A Yes, sir.
Q Is she a Cherokee or Delaware? A Delaware.
Q Does your name appear upon the roll of 1880? A Yes, sir.
Q What district were you living in at that time? A Delaware.
Q What district wereyou living in in 1896? A I think Coowescoowee.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Maud R.
Q Is she living? A Yes, sir.
Q How old is she? A Twenty-two years old.
Q Is she a Cherokee or a white woman? A White woman.
Q When were you married to her? A In 1897 I believe.
Q Have you any e vidence of your marriage? A Yes, sir.

The applicant presents a marriage license authorizing the marriage of the applicant to Miss Maud Lewis; license issued by James A. Winston, Clerk of the United States Court for the Northern district of the Indian Territory, on the 20th day of November, 1897. He also presents a certificate showing that he was married by T. M. Buffington, Judge of the Northern Circuit of the Cherokee Nation on the 21st day of November, 1897. License and certificate are filed herewith.

Q Give me the name of your child? A Louisa E.
Q How old is that child? A Three weeks old last Friday I believe
Q Is this child living and living with you at this time? A Yes, sir.
Q You are the father of the child? A Yes, sir.
Q And your present wife is the mother? A Yes, sir.
Q Were you ever married befo re? A Yes, sir.
Q What was the name of your first wife? A Bertha Dorsey.
Q Was she a white woman, you say? A I guess so.
Q When did she die? A I do not know whether she is dead or not.
Q Were you divorced from her? A Yes, sir.
Q Have you any evidence of you r divorce? A Yes, sir, but not with me.
Q Who secured the divorce, did you or was the divorce granted to her? A Granted to me.
Q Upon what grounds? A We just did not agree.

Edward O. Nidiffer--2.

Q Did you leave her, or did she leave you? A I left her.
By Mr. Gale Starr, Cherokee Representative:
Q You say you brought the suit for divorce? A Yes, sir.
Q In what Court? A Cherokee Court, Claremore.
Q Cooweescoowee district? A Yes, sir.
Q What ground did you allege for obtaining the divorce? A Just because she had been with some one else.
Q What do you mean by that? A She had been with another man.
Q It was upon the ground of adultery then? A I do not know what you call it, I guess that was it.
By the Commission:
Q Was your wife ever married before? A Yes, sir.
Q What was her first husband's name? A James Lewis.
Q Is he living or dead? A Dead.
Q When did he die? A About six years ago, I think.
Q He died before you married her? A Yes, sir, about three two years.
Q Did she live with him continuously until the time of his death? A Yes, sir.
Q Never was divorced from him? A No, sir.
(1880 Roll; page 293, #1883, Edward O. Neidiffer, Del. D'st.)
(1896 Roll; page 224, #3549, Edward O. Nidiffer, Cooweescoowee district.)
Q Do you desire to be enrolled as a Delaware? A Yes, sir.

The applicant applies for the enrollment of himself and one child as citizens of the Cherokee Nation of Delaware blood. He is identified upon the authenticated roll of 1880, and upon the census roll of 1896 as a native Cherokee: He has lived in the CherokeeNation all his life. His mother appears upon the said rolls as an adopted Delaware, and he avers that his mother was a Delaware by blood. The applicant will be listed for enrollment by this Commission as a citizen of the Cherokee Nation by Delaware blood. When he files with the Commission a properly executed affidavit of the birth of his child, Louisa E., this child also will be listed for enrollment as a Cherokee citizen by Delaware blood.

He presents satisfactory proof of marriage to Maur R. Nidiffer, a white woman, on the 21st day of November, 1897: He has lived with her continuously since that time. He avers that he was formerly married to one Bertha Dersey: He was divorced from her and he will be required to file with the Commission either the original or a certified copy of the decree of Court granting him the divorce, his former wife, Bertha Dersey.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R.R.Cravens.

Subscribed and sworn to before me this 26th day of November, 1900.
T. B. Needles, C
Commissioner.

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I, the undersigned, he stenographer to the Commission to the Five Civilized Tribes, state upon my oath that the above and foregoing is a full, true and correct transcript of the original transcript of the testimony in the matter of the application of Edward Clinton Nidiffer, said original transcript having been made by R. R. Cravens as stenographer.
Subscribed and sworn to before me this 3rd day of January, 1902.
Commissioner.

B

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Statement of Applicant | Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 20 1900 1900.

Name Alm D

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Maud R. Nidiffer

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: Rejected married too late

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Wife of Ed. O Nidiffer

1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 2 day of April 1898, at ..... M., and duly recorded in Book 1, Marriage Record, Page 44.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 7 day of April, A. D. 1898.

Jas A. Winston Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 30 1902.

I, the undersigned, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Edward L. Fiddler as citizen of the Cherokee Nation.

Frances P. Bitzer
Commissioner.

MARRIAGE LICENSE.

R-414

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 426

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Edward L. Diffee, of Vinita, in the Indian Territory, aged 21 years, and Miss Maude Lewis, of Vinita, in the Indian Territory, aged 20 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 20th day of November A. D. 1897.

(SEAL) (Signed) Jas A. Winston
Clerk of the U. S. Court.

By (Signed) J.C.Anderson Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, T. M. Buffington Judge of the Northern Circuit Cherokee Nat., a Minister of the Gospel, Do HEREBY CERTIFY, that on the 21 day of November, A. D. 189 7, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 22 day of November A. D. 189 7

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book _____, Page _____.

(Signed) T. M. Buffington
Judge Northern Judicial Circuit Minister of the Gospel.
Cherokee Nation.

D R 414

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Maud R. Widiffer, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which hasthis day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and fourteen, it is entitled Maud R. Widiffer, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Inclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 414.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Maud R. Midiffer,

Afton, Indian Territory.

Madam:

On the 20th day of November, 1900, your husband, Edward Olinthus Midiffer, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (as) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you are a white woman; that you were married on the 21st day of November, 1897, to Edward Olinthus Nidiffer, your said husband, a citizen by blood of the Cherokee Nation, but such marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure, By (Signed) [redacted]

Register. [redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

Principal Chickasaw Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN

L. R. S. J.P.

F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1887-1902.
D. O. 6205-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Maud R. Nidiffer, R 414, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 869, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 24 1902

ACTING CHAIRMAN.

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

Acting Commissioner

Cher ohio D-454

Muskogee, Indian Territory, April 17, 1908.

Emmet E. Riddifer,

Afton, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Registrar.

COMMISSIONERS
ROBERT L. OWEN,
TAMS BIXBY,
THOMAS B. FORMAN,
C. R. ROBERTSON,
ALFRED L. ATTERBURY,
SECRETARY

DEPARTMENT OF THE INTERIOR:
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-424

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Intld.,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Ward A. Walfter, Cherokee No. R 424, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Cherokee 24234

Muskogee, Indian Territory, August 2, 1898.

Dennis W. Shoemaker,
Afton, Indian Territory,
Dear Sir:

When you applied to this Commission for the enrollment of Maud E. Shoemaker as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on November 26, 1897, to Mrs. Maude Lewis.

The case is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. Ends.

Cher R 415

CHEROKEE R-415

[illegible] of the Five Civilized Tribes.

In the Matter of the Allotment of the Lands of the Choctaws and Chickasaws.

C H EROKEE

CHARLES T. IRONSIDE.

May 20, 1901. Case cancelled and all papers transferred, by order of Commissioner Breckinridge to Cherokee Roll Card, Field No D 1[illegible]

R- 415

Cher R 416

Cher R 416

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I.T., November 21, 1900.

In the matter of the application of Dora S. Duncan for the enrollment of herself, husband and children as Cherokee citizens; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Dora S. Duncan.
Q How old are you? A 32 years of age.
Q What is your postoffice? A Adair.
Q In what district do you live? A Goweesoowee.
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a husband? A Yes sir.
Q How many children have you? A Four.
Q Are you a Cherokee by blood? A Yes sir.
Q What is your husband? A He's a white man.
Q How long have you lived in the Cherokee Nation; all your life?
A Yes sir.
Q Born here were you? A Yes sir, born and raised here.
Q Give me the name of your father. A David C. Thompson.
Q Is he dead? A No sir, he's living.
Q Give me the name of your mother. A Clara C.
Q Is she alive? A Yes sir.
Q Were you married before you married your present husband? A Yes sir.
Q How many times? A Once.
Q Was that husband dead when you married your present husband? A Yes sir, he's dead.
Q These children all by your present husband? A Three by my first husband.
Q Give me the name of your first husband? A Thomas B. Burnett.
Q When did you marry him? A Married him in '87.
Q When did he die? A He died in '94.
Q You and he lived together from the time of your marriage until he died? A Yes sir.
Q He's a white man? A Yes sir.
Q Give me the name of your husband? A Joseph B. Duncan.
Q How old is he? A He's 37 years old.
Q Have you his marriage license and certificate? A Yes sir.
Q You married this husband in 1897? A Yes sir.
The applicant presents a license issued by the Clerk of Goweesoowee district August 4, 1897, and the certificate showing that she was married to her husband in accordance with said license on the same date as the license by the Rev. R.G.Parks. This is filed herewith.
Q Was your husband married before he married you? A No sir.
Q Give me the names of your children. A Mary B. Burnett.
Q How old is that child? A 11 years old.
Q The next child? A Anna F. Burnett.
Q How old is that child? A 9 years old.
Q Next child? A Fannie M. Burnett.
Q How old is that child? A She's 6.
Q Next child? A Jesse M. Duncan.
Q How old is that child? A Two years last March.
Q These children are all living are they? A Yes sir, all living.
1880 roll: page 169, #2565, D.C.Thompson, Goweesoowee.
1896 roll: page 108, #274, Dora S. Burnett, Goweesoowee.
1896 roll: page 108, #275, Mary B. Burnett, "
1896 roll: page 108, #276, Annie F. "
page 108, #277, Fannie "

Commissioner Breckinridge-
The applicant applies for the enrollment of herself, her husband and four children. She is identified on the roll of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation her entire life. The children will be listed for

[illegible] Lawyer, Fall River, for enrollment as a Cherokee by blood whose certificate of birth is filed with the Commission. She is shown to have been married to her husband, a white man, in 1897. Her former husband was dead, and he was never previously married. His marriage to her is too late to entitle him to enrollment under Cherokee law of 1896, and therefore the application for his enrollment is rejected.

Edward Lewis, being duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes in said case.

Subscribed and sworn to before me this [illegible] day of November, 1906.

Commissioner.

R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1900
A. J. Ney, Chairman

Department of Commerce and Labor
Bureau of Indian Affairs

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 21 1900 1900.

Name Joseph B. Dancer Adair D.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen Yes

Married under what law ..... Date of marriage 1897

License ..... Certificate .....

Wife's name Rejected

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License Filed NOV 21 1900 Certificate Filed NOV 21 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

R416

CO..

MARRIAGE LICENSE.

Cherokee Nation, Goweseeneee District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. J. R. Bynum,

a citizen of the United States, and Mrs. Ruth E. Bynum, (nee) Bennett

a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 4th

day of August, 1897.

Joe M. Lahey,

Clerk Goweseeneee District

This is to certify that the aforesaid parties have been joined in the Holy Bonds of Matrimony by me this the 4th day of August, 1897.

R. C. Parks, Pastor, of
Gen. Pres. Church,
Chelsea, Ind. Ter'

Recorded on page 262 Book "F" Record of Marriages, Goweseeneee District, C. N.

Joe M. Lahey, Clerk,
Goweseeneee District.
By R. Lee Guess,
Dept. Clk.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 14, 1911.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original allotment in evidence in the matter of the application for enrollment of

Joseph R. Bynum,

Commissioner.

COMMI[illegible] [illegible]

FI[illegible]

JAN [illegible] 1992

[illegible] CHAIRMAN.

Muskogee, Indian Territory, January 28, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Joseph B. Denney, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and sixteen, it is entitled Joseph B. Denney, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. 0-416.

aas

Cherokee case No. R-416

Muskogee, Indian Territory, January 30,1906.

Mr. Joseph R. Damer,

Adair, Indian Territory.

Sir:-

On the 21st day of November, 1900, your wife, Dora S. Damer, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required bylaw, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (Not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have beenlawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed undercacts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows thatin the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16,1895. It is as follows:

> "That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the pro visions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereb repealed."

It appears from the testim ny in this case that you are a white man; that you were married on the 4th day of August,1897, to one Dora Burnett, a citizen by blood of the Cherokee Nation. It does not appear that you are identified on the Cherokee Census Roll

E Rule

COMMISSION
FILED
JAN 30 1902

ACTING CHAIRMAN.

of 1896, and your said marriage was contracted after the enactment of the Cherokee law of December 16th, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,

BY _____ Acting Chairman.

EXHIBIT E.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws of parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW/D

273 inclosures.

12968. E.

I. T. D. 789-1902
D. S.3888.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

February, 28, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Joseph B.Duncan, Memorandum R. 416, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, Memorandum R.455.

Respectfully,

Thos Ryan,
Acting Secretary.

Chero. R 416.

Muskogee, Indian Territory, March 14, 1902.

Joseph B. Duncan,

Adair, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very Respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALBERT L. AVLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-416.

ADDRESS ONLY THE COMMISSION

Muskogee, Indian Territory, March 15, 1902,

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Joseph B. Duncan, Cherokee No. R. 416, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge
Commissioner in Charge.

[illegible]

[illegible], Indian Territory, April 13, 1902.

Mr. Joseph H. [illegible],
[illegible], Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Choctaw Nation, you filed with your application marriage license and certificate showing your marriage on the [illegible] day of August, 1897, to Mrs. Ella A. Bennett (nee) [illegible].

Your case docket was finally disposed of, this morning and license and certificate is herewith returned to you.

Yours truly,

[illegible] in Charge.

Enl.-416.

Cher R 417

Cher R 417

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., November 21st, 1900.

In the matter of the application of Ernest Jordan for enrollment as a Cherokee citizen; he being duly sworn before the Commission, testified as follows:

Q What is your name? A Ernest Jordan.
Q How old are you? A 23.
Q What is your post office address? A Chelsea.
Q Are you a Cherokee by blood or adoption? A Adoption.
Q For whom do you make application? A Just myself.
Q How long have you actually resided in the Cherokee nation? A I don't just remember, eight or nine years.
Q Have you been outside of the Cherokee nation for any purpose within the past three years? A No, sir.
Q What is the name of your father? A Marcus .
Q Is your father living? A Yes, sir.
Q What is the name of your mother? A Ella.
Q Were your parents ever recognized as citizens of the Cherokee nation? A No, sir.
Q Upon what do you base your right to enrollment? A I married a Cherokee wife.
Q What is the name of your wife? A Sallie Bibles.
Q Is she living? A No, sir.
Q Was she a Cherokee? A Yes, sir.
Q How old would your wife be if she were living to-day? A 23.
Q What is the name of your wife's father? A I don't know.
Q Was he a Cherokee? A Yes, sir.
Q Is he living now? A I do not know.
Q What is the name of her mother? A Margaret.
Q Is she living? A Yes, sir.
Q Is she a Cherokee? A Yes, sir.
Q Does your wife's name appear upon the 1880 roll? A Yes, sir.
Q What district was she living in then? A Cooweescoowee I guess.
Q When were you married? A 1896.
Q Have you any evidence of your marriage? A No, sir.
Q What did you do with it? A I got in some law trouble and my lawyer sent it to the Clerk.
Q Can you get a copy of it or can you get it back? A Yes, sir.
Q Were you married in accordance with the Cherokee law? A Yes, sir.
Q Who married you? A Joe LaHay.
Q Where did you get your license? A At Claremore.
Q Have you lived here continuously since your marriage in 1896? A Yes, sir.
Q How long did you live with your wife? A 16 months.
Q Did you live with her until her death? A Yes, sir.
Q Have you remarried since? A No, sir.
Q Were you ever married before? A No, sir
Q Was she ever married before? A No, sir.
Q

1880 Roll; page 73e, #165, Sally M. Bible, Tahlequah.

Q When did your wife die? A 1898.
1896 Roll; page 511, #548, Ernest Jaurdan, Cooweescoowee.
1896 Roll; page 128, #2561, Sallie Jourdan, Cooweescoowee.

The applicant applies for the enrollment of himself as a Cherokee citizen by intermarriage. He avers that he was married in 1896 to one Sallie Bibles, a Cherokee citizen, who is identified on the 1880 roll as a native Cherokee. He avers that he lived with her until her death and that he married her in accordance with the laws of the Cherokee nation in the year 1896. He does not present satisfactory proof at this time of his marriage and he will be required to furnish this Commission with the original license or a

Ernest Parker -2-

certified copy. His marriage in 1894 was too late under the Cherokee law of 1892 to [illegible] property rights in the Cherokee Nation, consequently his application for the enrollment of himself as a Cherokee citizen by intermarriage is rejected.

Chas. Van Vetze, being duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this 24th day of November, 1908.

Commissioner.

B R H 17

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 21 1900

ACTING CHAIRMAN.

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(28) Date NOV. 21 1900. 1900.

Name Ernest Jordan — Chelsea I.T.

District COOWEESCOOWEE. Year 1896 Page 311 No. 548

Citizen by blood no Mother's citizenship

Intermarried citizen yes Rejected

Married under what law Date of marriage

License Certificate Married too late

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

I am the applicant Ernest Jourdan

Evidence of marriage required to be produced.

R 117

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ernest Jordan, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventeen, it is entitled Ernest Jordan, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 417.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Ernest Jordan,

Chelsea, Indian Territory.

Sir:

On the 21st day of November, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share

in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1898. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you were married in 1896 to Sallie Bibles, a citizen by blood of the Cherokee Nation.

it appears that your said wife died about 16 months after you were married, and that you have not been remarried. You are identified on the Cherokee census roll of 1896, but your said marriage to Sallie Bibles was subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] FEB 14 1902

[illegible] the Commission to the Five Civilized Tribes, [illegible] the Commission's letter of [illegible] rendered FEB 14 1902 in the matter of the application of Ernest Jordan et al for enrollment as citizens of the Cherokee Nation

Attorney for Cherokee Nation

Cherokee No. F. 417.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2106-1902.
D. C. 6284-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Ernest Jordon, R 417, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 24 1902

ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee-417

Muskogee, Indian Territory, April, 17, 1908.

Ernest Jordan,

Chelsea, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. ROBERTSON.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-D-417

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Ernest Jordan, Cherokee No. R 417, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

7/6

REC'D
APR
25
MUSK

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

6853

Ernest Harlan

Cover R 418

Objected to [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 26th, 1906.

In the matter of the application of John E. Harlan for the enrollment of himself, wife and one child to being sworn before the Commission, testified as follows:

What is your name? A John E. Harlan.
How old are you? A 28.
What is your post office address? A Tahlequah.
Are you a Cherokee by blood? A Yes, sir.
What degree of Cherokee blood do you claim? A Three-fourths.
For whom do you make application for enrollment? A Myself, wife and one child.
How long have you actually resided in the Cherokee nation? A All my life.
Have you been outside of the Cherokee Nation for any purpose within the past three years? A No, sir.
What is your father's name? A Marion T. Harlan.
Is he living? A No, sir.
Is he a Cherokee? A Yes, sir.
What is your mother's name? A Nell.
Is she living? A Yes, sir.
Is she a Cherokee? A No, sir, a white woman.
Have your mother rights with the Dawes Roll? A No, sir.
Are you married? A Yes, sir.
What is your wife's name? A Celestia E.
Is she living? A Yes, sir.
What is her age? A 26.
Is she a Cherokee by blood? A No, sir.
What is the name of her father? A John Anderson.
Is he living? A Yes, sir.
What is your wife's mother's name? A Lizzie Anderson.
Is she living? A No sir.
Have the parents ever been recognized as citizens of the Cherokee nation? A No, sir.
What is the name of your child? A Harry W. Harlan.
How old is he? A About five months.
Is this child alive and living with you at this time? A Yes, sir.
Is this a child by your present wife? A Yes, sir.
When were you married? A 1906.
Have you any evidence of your marriage? A Yes, sir, I have a marriage certificate.
Let me see it please.
The applicant presents a marriage license issued by James M. Stockton, Clerk of the United States Court for the Northern District of the Indian Territory, on the 5th day of May, 1906, authorizing the marriage of John E. Harlan to Elsie Celestia E. Anderson. He also presents a certificate showing that said marriage was solemnized by J. T. Robinson, Deputy Clerk of the United States Court for the Northern District of the Indian Territory, on the 5th day of May, 1906. These marriage certificate are filed herewith.
Were you ever married before you married your present wife? A No, sir.
Was she ever married before? A No, sir.
Are you living with her now? A Yes, sir.
Are all of your parents over entitled to citizenship in the Cherokee Nation? A Yes, sir.
Have you any children by a former wife? A No, sir.
Was this child born? A Filed in the end of John E. Harlan.
When were you enrolled? A In 1902.
Have you been living since you were enrolled to adulthood? A

John H. Harlin et.

The applicant presents a certified copy of an Act of the Cherokee Commission on Citizenship dated at Tahlequah on the 14th day of September, 1890. The original document was signed by Edwin Irving, President of the Commission, and by William Harnagy, and C.W. Hayes, Commissioners, and by J. B. Hayes, Clerk of the Commission; admitting to citizenship one Marion T. Harlin. This document is filed in the case of John Hummingbird, Cherokee Doubtful Card D 481.

Q Is the Marion T. Harlin mentioned in this document your father?
A Yes, sir.
Q Was he living in the Cherokee nation at the time of his admission to Cherokee citizenship? A Yes, sir.
Q When did your father die? A In 1891.
Q Had he lived in the Cherokee Indian nationcontinuously from his admission until his death? A Yes, sir.
Q Where were you living in 1896? A North of Vinita, a mile and a half.

1896 Roll; page 184, #8453, John H. Harlin, Coowescoowee.

The applicant applies for the enrollment of himself and one child as citizens by blood of the Cherokee nation and for the enrollment of his wife as a citizen of the Cherokee nation by intermarriage. He is shown to have been admitted citizen on the 14th day of September, 1890, as shown by certified copy of an Act of the Cherokee Commission on Citizenship, which document is filed with card D. #481. The applicant has resided in the Cherokee nation all his life. He is identified on the 1896 roll as a native Cherokee and will be listed now for enrollment as a Cherokee citizen by blood. When he files with the Commission properly executed affidavits as to the birth of his child, it also will be listed for enrollment with him as a Cherokee citizen by blood.

He also makes application for the enrollment of his wife. She is a white woman. He presents proof of marriage to her on the 29th day of May, 1896, but this is too late for her to acquire property rights in the Cherokee nation under the Cherokee law of 1895 regulating marriages between citizens and whites, therefore, the application for her enrollment is rejected.

Chas. von Weise, being duly sworn, states that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 24th day of November, 1906.

M. D. Green
Notary Public

Commissioner.

R 418

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
NOV 21 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 21 1900 1900.

Name Minta D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Rejected

Married under what law Date of marriage

License Certificate

(18) Wife's name Celestia D. Harlan

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: Married too late

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Wife of John H Harlan

P R-418

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 30 1902
ACTING CHAIRMAN

Muskogee, Indian Territory, January 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Celestia D. Harlan, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighteen, it is entitled Celestia D. Harlan, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-418.

(41)

CHEROKEE CASE No. R. 418

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1902

Mrs. Celestia B. Harlan,
Vinita, Indian Territory.

Madam:-

On the 21st day of November, 1900, your husband, John H. Harlan, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

R-1418

COMMISSION

FILE

JAN 30 1902

ACTING CHAIRMAN.

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 28th day of May, 1898, 190..., to one John H. Harlan, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,
Acting Chairman.

Register.

(6975)

Refer in reply to the following:

Land.
7008-1902.
72772-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 155 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XIX, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws of parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Choctaw Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1885, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

SAW
D

Ens inclosures.

12265.

I. T. D. 923-1902.
D. C.3869.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

FEBRUARY, 22, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1902, rejecting the application of Celestia D. Barlow, R. 412, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R.333.

Respectfully,

Thos. Ryan,
Acting Secretary.

Cherc. R 418.

Muskogee, Indian Territory, March 14, 1902

Celestia D. Harlan,

Vinita, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 22, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
NANNY L. DAVIS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDINGHAM
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-412.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Celestia D. Harlan, Cherokee No. R. 412, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior, on the 20th day of February 1902.

Very respectfully,

C. R. Bredingham
Commissioner in charge.

Cher R 419

Cher R 419

[illegible]

[illegible]

[illegible]

[illegible]

Q. Are you a Christian by birth? A. No sir.
Is your wife a Christian by birth? A. She is said to be.
Let us see your marriage license and certificate. Applicant hands paper to Commissioner.

The applicant produced a marriage license and certificate, showing that he was married to Nancy Robertson, on the 27th day of September, 1864, in the County of Boston, State of Kentucky. Said documents are called hereafter.

Q. You have never been married to your wife under Christian law? A. No sir.
Have you and she lived together ever since you married her in 1864? A. Yes sir.
Your wife's full name was in Kentucky and Christian.
How long has she lived in the State?

Nancy Wilson, being sworn and examined by Commissioner, C. E. [illegible], testified as follows:

Your name is Nancy Wilson? A. Yes sir.
How old are you? A. Forty five.
How long have you lived in the Cherokee Nation? A. Born and raised here.
Lived here all your life, have you? A. Yes sir.
How old you thought to marry the Kennedy the first? A. Just wanted to get married.
How old are you? A. Yes sir.
Were you ever married before you married your present husband? A. No sir.
How many times? A. Three times.
Were all of your former husbands dead when you married your present husband? A. Yes sir.

Applicant recalled:

Were you ever married before? A. Yes sir.
How many times? A. One.
Was your former wife dead when you married this wife? A. Yes sir.

Nancy Wilson recalled:

What was your name in 1866? A. Robinson.
Is that the name you were married? A. Yes sir.
What was the name of your father? A. Jesse Robinson.
Is he dead? A. Yes sir.
And the name of your mother? A. Nancy.
How did you get the name of your children? A. Ben Wilson.
How old is that child? A. Will be eighteen the 10th of November.
What child? A. Jesse Wilson.
How old is that child? A. Twenty years old.
What child? A. Lucie Robinson.
How old is that child? A. Six years old.
What child? A. Samuel Wilson.
How old is that child? A. Four years old.
What child? A. [illegible]

How old is he? A Five months old.
These children are all living and living now? A Yes sir.
These are all your children? A Yes sir.
Is your mother living? A Yes sir.

(1900 Roll, Page 700, Field, Nancy Nelson, Tahlequah D'st)
Were you in Nelson's County twenty years ago? A Yes sir.

(1896 Roll, Page [illegible], [illegible], Nancy Walden, Geo. District)
(1896 Roll, Page [illegible], [illegible], Nancy Walden, Geo. District)
(1896 Roll, Page [illegible], [illegible], Lee Nelson, Geo. District)
(1896 Roll, Page [illegible], [illegible], Jesse Nelson, Geo. District)
(1896 Roll, Page 188, [illegible], William Hargrove, Geo. Dist)

Applicant resides:

The applicant applies for the enrollment of himself, his wife and five children. The applicant's wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nation all her life, and she will be listed now for enrollment as a Cherokee by blood.

Her two children, Lee and Jesse Nelson, by her former husband, are identified on the roll of 1896; they are both minors, and will be listed for enrollment as Cherokees by blood. They are both living at this time.

Her child, William Hargrove, also a child by her former husband, is identified on the roll of 1896; is living at this time; is a minor, and will now be listed for enrollment as a Cherokee by blood.

The child of the present marriage, Samuel Walden is identified on the roll of 1896; is a minor; is living now, and will be listed for enrollment as a Cherokee by blood.

Upon a certificate of the birth of the youngest child, Nancy Bennett Walden, is filed with the Commission, this child also will be listed for enrollment as a Cherokee citizen by blood.

The applicant himself is shown to have married his wife under United States law in 1896. This does not entitle him to enrollment at this time. Therefore, the application for his enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Francis

Subscribed and sworn to before me this first day of November, 1906.

[illegible]

Commissioner.

C 719

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 21 1900

ACTING CHAIRMAN

Class ... E.

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 21 1900 1900.

Name Samuel Walden, Chelsea I. T.

District ~~GOOWEEGOOWEE~~ Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen Yes

Married under what law I. N. T. Date of marriage 1894

License ..... Certificate .....

Wife's name .....

Rejected

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License Filed NOV 21 1900 Certificate Filed NOV 21 1900

Names of Children:

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

..... Dist. ..... Year ..... Page ..... No. ..... Age .....

R419

FILED

MAR 24 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Samuel Walden, refused by the Commission under the provisions of the Act of Congress approved June 28,1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R 419, it is entitled Samuel Walden, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.
~~Acting Chairman~~.
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enclosure C. R. 419

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREckinridge.

ALLISON L. AYLESWORTH,
SECRETARY

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 419.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Samuel Walden,

Chelsea, Indian Territory.

Sir:

On the 21st day of November, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that you were married under the Laws of the State of Missouri on the 27th day of September, 1894, to Nancy Tickbeater, a citizen by blood of the Cherokee Nation.. It appears that you were never remarried to your said wife by authority of a marriage license issued by the Cherokee tribal authorities. You are not identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found

on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 to 331 of "Laws of the Cherokee Nation (1892), and are as follows:

"Section 669. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case it is considered that you have never acquired the rights of an "intermarried white person," "entitled to

citizenship under Cherokee laws.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.

By (Signed) T[redacted]

Register.

T. B. Needles[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 1 4 1901

R411

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 16 1902

ACTING CHAIRMAN

L.R.S. 19541. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1888-1902.
D. C. 5783-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application for enrollment of Benjamin J. Betterton as an intermarried citizen of the Cherokee Nation, R 8, you are advised that the application of Samuel Walden, R 419, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

I. T. D.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. 1878-1902.
1890-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, as transmitted with your letter of February 24, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "laws of the Cherokee Nation, compilation of 1892, viz:

"Section 609. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, Delaware or Shawnee woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts and make oath or satisfactory showing to such clerk, that he has not a living wife from which he has not been legally divorced. * * * *.

"Sec. 366. Every white man or person applying for license as provided in the preceding section of this act, shall before obtaining the same, be required to produce to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with said applicant six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county in which he was last a voter."

"Sec. 367. No marriage between a citizen of the United States or any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as herein before authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 28, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

2 inclosures.

Muskogee, I.T.

Muskogee, Indian Territory, April 15, 1904.

Mr. Samuel Wilson,

Okmulgee, Indian Territory.

Sir:

You are hereby notified that the Commission's decision of February 14, 1904, rejecting your application for enrollment as a citizen of the Muscogee Nation was approved by the Secretary of the Interior on the 2nd day of April, 1904.

Very respectfully,

Acting Commissioner.

Registrar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-419.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Samuel Walden, Cherokee No. R-419, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

4—18—02.

MUSKOGEE, IND. T. 1902

6/6

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED.

JUL 26 1905

6275

Jannie E. Walden

Chelsea

Ind. T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 27, 1900.

In the matter of the application of Maggie E. Hill for the enrollment of herself, husband and child as Cherokees citizens being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Maggie E. Hill.
Q What is your age? A 21.
Q What is your postoffice? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q What degree of blood do you claim? A 1/64.
Q Who do you desire to enroll? A My husband, myself and child.
Q Where is your husband? A He's in St. Louis.
Q When were you married to him? A In 1898.
Q What is his name? A Austin K. Hill.
Q How old is he? A 30 years old.
Q Have you a certificate of marriage? A I have a Cherokee certificate.

Applicant presents a duly authenticated marriage license and marriage certificate certifying that Austin Hill, a citizen of the United States, was married to Miss Maggie Wood, a citizen of the Cherokee Nation, on the 16th day of February, 1898; said Maggie Wood being the name of the applicant.

Q What is the name of your children? A I don't have only this.
Q How old is she? A Seven months old.
Q Is Mr. Hill your first husband? A Yes.
Q You have been married? A Yes sir.
Q What is he doing? A He's a traveling man.
Q Where does he make his home? A Just anywhere he has to home.
Q You and he live together? A Yes sir.
Q Where are you living? A With my mother in the Cherokee Nation.
Q You consider that you are living with him in the sense of this time? A Yes sir.
Q How long has it been since you were married? A I've been over two years.
Q Been living together for the past two years? A Yes sir.
Q Has he ever been here? A Not sir.
Q He has no home anywhere? A No sir.
Q Not kept house outside of the territory? A No sir, not longer than a month or so at a time.

1880 roll: page 282, female, Maggie Wood, Tahlequah.
1896 roll: page 1128, female, Maggie Hill, Tahlequah.
1896 roll: page 1282, male, Austin Hill, Tahlequah.

Testimony Taken—

The name of Maggie E. Hill appears upon the authenticated roll of 1880 under her maiden name, Maggie Wood, and she presents satisfactory proof of marriage to Austin K. Hill, a citizen of the United States, in the year 1898. Her name and that of her husband appear upon the census roll of 1896. She shows that the result of said marriage is one child, Rhea H., whose name does not appear upon the said roll of 1896, being but seven months of age; but she makes satisfactory proof of its birth. Being duly identified, and having made satisfactory proof as to their residence, the said Maggie Hill and child, will be duly listed for enrollment as Cherokee citizens by blood.

By W. W. Hastings—

Q Was you ever divorced? A Yes, but were remarried.
Q When were you divorced? A In '98.
Q When were you remarried? A Two weeks afterwards.
Q Did you sue him on the ground of desertion? A Yes sir.

Cross-examination Declined.

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Austin L. Hill as a citizen of the Cherokee Nation.

D E C I S I O N.

It appears from the record in this case that on the 27th day of November, 1900, Maggie S. Hill appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her husband, Austin L. Hill, as a citizen by intermarriage of the Cherokee Nation.

The evidence in this case shows that the said Austin L. Hill was married on the 18th day of January, 1894, to Maggie Wood, his said wife, a citizen by blood of the Cherokee Nation. It further appears that in the year 1898 his wife sued for and obtained a divorce from her husband, Austin L. Hill on the ground of desertion. The Cherokee law on this subject is found in section 467, article 18, "Laws of the Cherokee Nation," (1892), and is as follows:

"Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

In making rolls of citizenship of the Cherokee Nation this commission is directed in paragraph 1, Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), to enroll "----such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the facts in this case it is considered that under the Cherokee law herein quoted, by his desertion of his wife Maggie S. Hill, the applicant thereby forfeited his rights and privileges of citizenship in the Cherokee Nation, and is not en-

brought in that class of citizens described in the Act of Congress as "intermarried white persons entitled to citizenship under Cherokee laws."

It further appears from the testimony, however, that soon after the divorce the applicant was remarried to his own wife, but in view of the fact that he was a non-citizen of the Nation at the time of this last marriage, such marriage was too late for him to acquire the right of enrollment under the provisions of the Cherokee law approved December 16, 1895, which is as follows:

> "That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 660, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens, and all laws or parts of laws conflicting herewith, are hereby repealed."

In view of the law and the testimony in this case the application of Austin L. Hill to be enrolled as a citizen by intermarriage of the Cherokee Nation is denied.

C. R. Breckinridge

Dated at Muskogee, Indian Territory, W. E. Hennessy

this the ___ day of _____, 1906.

R-430

CHEROKEE NATION, I. T.

TAHLEQUAH, DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage_Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Austin Hill, a citizen of the United States, and Miss Maggie Woods, a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and yourz are required to return this License to me for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and seal of Office this the 9th day of January A. D. 1894.

(Signed) R. W. Duncanberg, Deputy Clerk.
Tahlequah District.

(SEAL)

I, Leonidas Dobson, a Minister of the Gospel hereby certify that on the 18th day of January, 1894, I joined in Marriage Mr. Austin Hill, a citizen of the United States, and Miss Maggie Wood, a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 18th day of January A. D. 1894.

(Signed) Leonidas Dobson,
Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 20, 1908.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment as a citizen of the Cherokee Nation of Austin Hill.

Frances S. Otis

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	386
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	596
Samuel G. Victor	73	George A. Waters	633
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	768
Thomas N. Wilson	185	William Gordon	796
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	239	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	263	William H. Burrow	867

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norrid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1366
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1440
Jeanette Polecat	1499
Ellen Seabolt	1506
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1512
Odie Pidcock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1589

Millie Morton	1564
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willie E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dunsler	1802
Bryant C. Redington	1804
Malina A. Maxwell	1806
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1823
John H. Welty	1847
Edward P. White	1864
Lauren P. Green	1867
Charles Rosser	1896
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1926
John C. Carlile	1937
John W. Gilstrap	1944
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Ana L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2189
Julia Coody	2216
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2266
John A. Madden	2261
Henry C. Funnel	2271
Matilda S. Cleland	2289
Rosa A. Frazier	2312
Laura B. Cordrey	2349

Lafayett D. Hindred	[illegible]
Pearl V. Sisson	[illegible]
Nancy J. Sevier	[illegible]
Mollie Mair	[illegible]
Dora Sayers	2474
William T. Jones	[illegible]
Sarah L. Martin	[illegible]
William J. Shoemaker	[illegible]
Maud Baldridge	2511
James L. Townsend	2512
George L. Morgan	[illegible]
Andrew A. Brown	2575
Louis K. Fair	[illegible]
James L. Mitchell	2644
Martha R. McNair	[illegible]
Millard F. Eggleston	[illegible]
Elisha M. Gray	2656
Jessie M. Ballard	2684
Annie Mayes	2708
Belle Sixbiller	[illegible]
James P. Riley	[illegible]
William Brandebur	2784
William A. Martin	[illegible]
Joseph Q. Buchanan	[illegible]
Marcellus L. Baker	[illegible]
Rita M. Hill	2915
John R. Smith	2922
Ira W. Wallen	[illegible]
John B. Lawrence	[illegible]
Lula O. Hitchcock	2961
Bell L. Mushrat	2975
Ellen O'Field	2977
Margaret Seagus	[illegible]
Winfield S. Nance	[illegible]
Benjamin F. Kelley	3010
Mollie Daugherty	[illegible]
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora R. Caulk	3143
Jesse M. Gallaher	3161
Martha R. Garrett	3162
Artie R. Large	3164
Andrew A. Kelley	3191
Anna B. Ryne	3198
Ellen Henderson	3198
David R. Jenkins	3212
Lizzie Falling	[illegible]
Robert L. Payne	[illegible]

William A. J. Trotter	[illegible]
Albert P. Goforth	[illegible]
Anna B. Martin	[illegible]
William Brown	3344
Jennie B. Blanjachet	3345
William Little	3377
John M. A. Russell	[illegible]
Andrew J. Smith	[illegible]
William N. Blakemore	[illegible]
Lizzie Denton	3417
Belle Hudson	3426
Thomas S. Hindy	3437
William M. Rosebrough	3446
Madison G. Hawkins	3457
Japhet F. Ellis	3461
Emma McAffrey	3463
William T. Huitt	3470
Myra F. Chouteau	[illegible]
Phillip Donohoe	[illegible]
Fred L. Kelley	[illegible]
Annie Hered	[illegible]
Maggie V. Fields	3515
Lee Payne	3516
Frederick W. Street	[illegible]
Andrew L. McCamish	3713
Sarah Dirthrower	3731
William P. Cobb	3750
Robert L. Madison	3761
Mariah McDowell	[illegible]
Elizabeth R. Thornton	3811
Demithan A. Wilson	3841
Charles F. Covey	[illegible]
Tamsey M. Williams	[illegible]
Mary J. Wells	[illegible]
Lathan Lumbard	[illegible]
Minnjah P. Haynes	[illegible]
Annie L. Wingfield	[illegible]
Mary Fields	[illegible]
William W. Dudley	3944
Minnie M. McLaughlin	[illegible]
Henry B. Lindsey	3973
Wilbert H. Parkison	[illegible]
Seth R. Hall	4011
Wiley Hanna	[illegible]
Martha M. Weeks	[illegible]
Lizzie Gray	4117
Nancy C. Covey	[illegible]
Annie R. Kenney	[illegible]
William H. Ward	[illegible]
Minnie Brewer	[illegible]

Nancy J. Kinney	[illegible]	Rosie J. Hutchison	[illegible]
Sydney R. Bell	[illegible]	Lizzie Love	[illegible]
Isaac H. Jordan	[illegible]	Robert K. Wann	[illegible]
Charles Parks	[illegible]	Frederick Metzner	[illegible]
Dora Frenchman	[illegible]	John C. Butcher	[illegible]
James R. Pugate	[illegible]	Pipper L. Jones	[illegible]
Maud Adams	[illegible]	Ada Berthell	[illegible]
Elizabeth Black	[illegible]	Alice Robbins	[illegible]
Annie Thornton	[illegible]	Jane Dougherty	[illegible]
Robert T. Harrison	[illegible]	Samuel Francis	[illegible]
Perley Israel	[illegible]	Clemens C. Peck	[illegible]
William A. Long	[illegible]	Mont C. Frazier	[illegible]
Mollie Swannack	[illegible]	Frank J. Mayberry	[illegible]
Frances Gunn	[illegible]	Charles W. Moore	[illegible]
Allen H. Gibson	[illegible]	Jefferson D. Edmondson	[illegible]
John McFall Jr.	[illegible]	Alonzo H. Boone	[illegible]
Albert W. Fitzsimmons	[illegible]	Thomas C. Mack	[illegible]
George S. Ford	[illegible]	Sallie Allison	[illegible]
Quinn Carr	[illegible]	Elizabeth K. Burgess	[illegible]
William A. Powell	[illegible]	LaFayette Breeden	[illegible]
Austin Hanley	[illegible]	James M. Boling	[illegible]
Anna Bibb	4414	Francis A. Neilson	[illegible]
Elizabeth Riley	[illegible]	John F. Smith	[illegible]
John P. Sudderth	[illegible]	Rufus S. Steward	[illegible]
Andrewen Keen	[illegible]	John I. Haddock	[illegible]
Ida M. Adams	[illegible]	Maggie O. Walkley	[illegible]
Martha J. Randall	[illegible]	George W. Talbert	[illegible]
Mollie Conner	4477	Mary Miller	[illegible]
Jane McGhee	[illegible]	Henry C. White	[illegible]
Jennie Riley	[illegible]	Mattie E. Hill	[illegible]
Hannah Randall	[illegible]	Alice A. Bibb	[illegible]
Charles W. Children	[illegible]	Katie Coker	[illegible]
Minnie B. Riley	[illegible]	John Creek	[illegible]
John W. McDaniel	[illegible]	Ruby R. Bean	[illegible]
Minnie Armstrong	[illegible]	William J. Dodson	[illegible]
Ada Chestnut	[illegible]	Blackburn Reed	[illegible]
Mary Thompson	4571	Viola Lowther	[illegible]
Ora Armstrong	[illegible]	William B. Ritchson	[illegible]
Mary Spencer	[illegible]	Henry D. McDonald	[illegible]
Charlson F. Woody	[illegible]	Della McDaniel	[illegible]
James M. McConnell	[illegible]	Dorothy Rattlinggourd	[illegible]
Annie R. Coker	[illegible]	Ida McCoy	[illegible]
Jennie Long	[illegible]	Henry M. Lyon	[illegible]
John Gibson	[illegible]	Alice J. Wellard	[illegible]
Lorena R. Smith	[illegible]	Nancy Marsh	[illegible]
Annie Nicholas	[illegible]	Ella Sullivan	[illegible]
Minnie R. Taylor	4611	Winfield Williams	[illegible]
Mary R. Rogers	4614	Minnie M. Smith	[illegible]
Emma Downing	[illegible]	May Humphrey	[illegible]
William Steere	[illegible]	Dennis Burgess	[illegible]

Rose B. Burgess [illegible]
John R. Brer [illegible]
Harriette Rogers [illegible]
Amanda Foreman [illegible]
William H. Wells [illegible]
John T. Gayler [illegible]
Annie Sweeten [illegible]
Rosalie Hendricks [illegible]
Emma Chambers [illegible]
James H. Thomas [illegible]
Melville R. Baird [illegible]
James R. Goodall [illegible]
Charles Horton [illegible]
James W. Goddard 5417
Dora Cox 5425
Fannie G. Alberty 5428
Sallie Ward 5435
William H. Sutherlin 5434
Lizzie Hall 5437
Cyrus B. Essex 5439
Ella Taylor 5443
Laura Taylor 5444
Hester D. Miller 5446
Emberson M. Arnold 5448
Stella Henry 5449
William E. Gwaul 5455
John M. Sharp 5459
John L. Davis 5514
Sarah E. Downing 5518
Samantha C. Glass 5524
Harry Jones 5525
Aggie Paris 5532
James W. Halford 5535
Phoebe Coker 5537
Anthony K. Douglas 5538
Joseph H. Johnson 5541
Harvey O. Biggs 5547
Alice Glass 5553
Addison Reeves 5566
Alice Coats 5572
Julia Kidd 5575
William R. Greer 5578
Rosa M. Sixhiller 5581
Nancy Inlow 5587
Daisy H. Owen 5589
Annie R. C. Owen 5590
Jesse McKnight 5592
Cleora J. Strange 5610
Henry Westenhaver 5611
Emma H. Reach 5612
William A. Peters [illegible]
Pauline P. Fischer 5614
Charley Hendrick 5615
William N. Stinson 5616
Lenore A. Henry 5621
Ella M. Adams [illegible]
John H. Shipp [illegible]
Thomas R. Dickson [illegible]
Minnie Henry [illegible]
Thomas J. Simpson [illegible]
Guy L. Lane [illegible]
Reuben H. DeLozier 5631
John Hoge [illegible]
Perry G. Brock [illegible]
Mary J. Newcomb [illegible]
George W. Seigel [illegible]
Martha A. Parks [illegible]
Zelda C. Mills 5674
Lizzie Rogers 5675
Emma Pigeon 5676
Nellie Blackjacket 5677
Lucy Bacon 5679
Thomas E. Wood 5681
Ann W. Simerson [illegible]
William J. Kuhn [illegible]
Elsie Couch [illegible]
William H. Robinson [illegible]
Rachel Washington [illegible]
Isaiah B. Blackwood 5700
John R. Johnson 5701
Dennis W. Smith 5702
William H. Chesnut 5705
William H. Durham 5707
Albert B. Buckmaster 5710
Maud Crutchfield [illegible]
Joseph S. Layne 5731
Lena Bell 5737
Jean H. Corn 5743
Robert N. Crafton 5750
Benjamin F. Coffee 5756
Frank McSpadden 5769
Charles D. Pendleton 5775
Harden H. Green 5776
Emma J. Ward 5778
Robert C. Fuller 5781
Henry F. Extine 5786
Ida Wyly [illegible]
Richard L. Fite [illegible]
Edward Lutz 5816
John F. Woodworth [illegible]

Horace M. Huddleston	5932	George C. Duffield	6081
William R. Sartain	5937	Amelia Reese	6089
Joseph A. Lawrence	5943	Alexander West	6090
William H. Hinton	5946	John Tootle	6097
Joseph Lohr	5951	Florence G. Langley	6098
Rain M. Young	5952	John T. Ham	6042
Mary C. Barnes	5958	Mary L. Jordan	6043
Matilda Thompson	5961	John W. Bradshaw	6070
William W. Young	5972	James L. Dean	6079
Earley F. Ellis	5974	Amanda J. Thompson	6082
Rosa B. Alberty	5977	Melissa Hubbard	6089
Sarah Cannon	5979	Jane Bunge	6111
Mamie Beck	5987	John D. Ryah	6113
Jack H. Merchant	5988	John C. DeLozier	6117
John D. Merchant	5989	Jessie Willis	6119
Sarah E. Gharmley	5994	Mary A. Clark	6124
Jerry Young	5996	Mary J. Tipton	6125
James H. Brickey	5916	Leander Newton	6126
Mary Hicks	5919	William A. Qualls	6128
George W. Weems	5922	Henderson B. Thomas	6144
Albert Crain	5923	Hugh T. Watkins	6168
James M. Jones	5932	Nancy Keys	6172
Alfred W. Shelly	5935	Berry Hutchins	6186
John M. Stratton	5936	Eli Parker	6189
Waddie Hudson	5937	Sarah E. Shaw	6194
Robert C. Johnson	5939	Julia Keys	6211
Mary T. Thompson	5941	Boon J. Grey	6214
Edith A. Parris	5942	John Grubb	6216
Addie Hubbard	5949	William M. Costephens	6220
John A. Lewry	5952	Jane Bean	6222
John R. W. Brantley	5953	Lillie I. Taylor	6226
James T. Carroll	5954	Abbie B. Adair	6229
Christopher F. Jordan	5955	Mack C. Watkins	6240
Minerva R. Stover	5956	Robert W. Murray	6261
John W. Twilley	5957	John G. Petty	6269
Joseph W. Mounce	5970	Lucinda Pearboy	6272
Cornelius P. Potter	5971	Sarah Mayes	6286
Amanda C. Thompson	5972	Henry W. Pyeatt	6289
John M. Rusk	5976	Isaac A. Wilson	6296
Harrison L. Hughes	5978	John T. Hall	6310
Silas B. Dildine	5983	Edward L. King	6315
Lewis M. Payne	5985	Katie Still	6326
Nancy Beamer	5986	Emmer Carkin	6328
Sarah F. Selvidge	6002	Bird Webster	6347
Posy F. Buckner	6005	Fannie Morris	6363
John A. Moreland	6010	Leonard Lee	6367
Alice Welsh	6015	James R. Miller	6368
Mary C. Thompson	6022	James Brackett	6370
Ida Beck	6029	Nora Allen	6371
William R. Tittle	6030	John T. Washington	6373

James S. Sadler	6373
William H. Winget	6379
Ida R. Wilkerson	6383
George A. McBride	6393
Matilda Cochran	6397
William A. Fish	6399
William O. Ames	6404
Thomas Wilkerson	6406
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6463
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6490
Martha E. McLain	6506
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Usrey	6559
Jamie McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Rosa Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6720
Kate Brown	6726
Laura B. Barnett	6743
Elizabeth Sanders	6746
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosie B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathhiller	6834
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6951
James M. Burt	6965
Rady Tipton	6973
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6993
Robert M. Mitchell	7004
William Henry Reeve	7006
James Pyle	7009
Willie Hildebrand	7015
Alice M. Robertson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7073
Katie E. Ratley	7079
Etta Patrick	7081
Nannie Martin	7089
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Bauer	7119

James Maher 7135
Terry A. Parkinson 7140
Cora L. Hanks 7147
Otto J. Sutell 7149
Rufus M. Norman 7156
Mary F. Foreman 7158
Alma West 7159
James M. Connally 7161
Francis M. Crowell 7168
Fannie E. McClure 7171
Benjamin B. Graham 7176
Ada Phaeins 7179
William L. Whisenhunt 7184
Frances B. Perry 7191
Philip Shultz 7210
Hester A. Miller 7212
Minnie B. Edmonds 7213
Eliza Jordan 7217
William T. Ross 7218
Thomas M. Price 7226
James G. Wilson 7231
Frank Rhomar 7266
John W. Thompson 7267
Melissa Booth 7271
Solon L. Jackson 7273
Henry W. Coughran 7282
Sarah Ross 7291
Mary S. Smith 7322
John A. Martin 7323
Myrtle Robinson 7329
Allen L. Buckner 7331
James L. Good 7350
Elijah Johnson 7351
Mary E. Kimbrough 7360
Jennie Burr 7367
Kinney Sapsucker 7378
Sarah J. Johnson 7394
William I. Branan 7409
Wyatte T. Brady 7412
Lena O. Holderman 7413
Mary F. Hummingbird 7420
Bertha A. Allen 7425
Robert J. Tynor 7426
Fannie B. Martin 7434
Myrtle Wolfe 7435
Mary Blevins 7479
Sarah Ketcher 7488
Charles D. England 7512
May Cochran 7544
Rebecca Oglesby 7549

Robert B. Collins 7550
Nancy I. Brown 7579
Mary B. Washington 7642
Robert T. Kellum 7643
Hallie Morton 7797
Mattie Girty 8008
Mach Alfred 8015
Ida Harman 8016
Ida McCoy 8417
Rosie Foreman 8423
Annie Jackson 8424
Margaret T. Langley 8427
Ida M. Davis 8428
Nora Crape 8429
Margaret Harman 8470
Mary B. Langley 8438
Ella Gravitt 8439
William M. Wilson 8444
David O. Scott 8446
Harriett Forbes 8447
John Carver 8449
Thomas J. Davis 8451
Clara M. Boudinot 8453
Mary E. Keys 8454
John G. Ainsworth 8455
Mary J. Christy 8459
Malinda Seabolt 8462
Mary Campton 8464
Mollie P. Mulkey 8465
Andrew Brimmer 8467
James F. Flippin 8471
William Bird 8473
Mollie C. Forbes 8476
William H. Thomason 8478
Mollie Devine 8481
Mary P. Guthrie 8482
Dailey N. Lessiter 8484
Nannie Cowart 8485
Leona Catcher 8489
Alexander B. Clapp 8492
Tennie Sanders 8493
Virgil A. Wiltshire 8505
Joshua K. Carr 8510
Herbert Knoeland 8512
Hugh E. Hope 8519
Thomas J. Ritter 8522
Martha Babbidge 8529
James R. Poindexter 8535
Maud Foreman 8539
Julia Bryant 8542

Joseph P. Smith	[illegible]
George R. Watkins	[illegible]
Florence Henry	[illegible]
Jane M. Johnson	[illegible]
Lydia B. Hager	[illegible]
Mary Jane Thomas	[illegible]
James F. Petty	[illegible]
Lewis McCrary	[illegible]
Joel D. Smith	[illegible]
William T. Cove	[illegible]
William Bagley	[illegible]
James M. Smith	[illegible]
John K. Nesworthy	[illegible]
Beverly L. Lafon	[illegible]
Robert L. Gentry	[illegible]
John C. Barber	[illegible]
John P. Greenwood	[illegible]
Henry Hayes	[illegible]
Ella Cornwell	[illegible]
Ann A. Hedrick	[illegible]
William C. M. Robinson	[illegible]
Woodrow Hedley	[illegible]
William T. Gregory	[illegible]
Charles M. Keys	[illegible]
Rate O. Reed	[illegible]
Joseph R. Foland	[illegible]
Florence C. Smith	[illegible]
Charles M. Cox	[illegible]
Otis S. Shidmore	[illegible]
William H. Hundley	[illegible]
Thomas A. McDonald	[illegible]
Annie Sanders	[illegible]
Noah H. Martin	[illegible]
Mary Ward	[illegible]
George Givens	[illegible]
Phenny Pentley	[illegible]
Charley Kiper	[illegible]
Andrew J. Sadler	[illegible]
William T. Burton	[illegible]
Daniel Crail	[illegible]
Mary M. Motte	[illegible]
Leola R. Herrin	[illegible]
Gallon R. Carrick	[illegible]
Rosa B. Barger	[illegible]
Rachel Foreman	[illegible]
Josephs C. Willis	[illegible]
Virgie Seabolt	[illegible]
Annie Cannon	[illegible]
Isabella McCoy	[illegible]
Robert E. Day	[illegible]

William G. Brown	[illegible]
John B. Doby	[illegible]
Pauline Thompson	[illegible]
Gunther W. Werther	[illegible]
Margaret Gilliamson	[illegible]
Rosa L. Smith	[illegible]
Sarah L. Rogers	[illegible]
Stephen Duncan	[illegible]
Gideon D. Shaper	[illegible]
William A. Maddox	[illegible]
John M. Morton	[illegible]
Rosa L. Rogers	[illegible]
William Bush	[illegible]
George W. Edens	[illegible]
William H. Hall	[illegible]
Edith R. Pheasant	[illegible]
Charlie A. Collins	[illegible]
Lucinda Spriggs	[illegible]
Ella F. Hall	[illegible]
John W. Harris	[illegible]
Hannah Roper	[illegible]
John J. Coughran	[illegible]
Young F. Waybourn	[illegible]
Lucinda J. Taylor	[illegible]
William M. Evans	[illegible]
William F. Flowe	[illegible]
May F. Chambers	[illegible]
Albert Stevenson	[illegible]
Henry Kinder	[illegible]
Sarah Bean	[illegible]
Rosa M. Cox	[illegible]
Jerusha E. Blair	[illegible]
Eliza Kyle	[illegible]
Ida Cushman	[illegible]
James W. Fleming	[illegible]
Samuel Holmes	[illegible]
Walter H. Talley	[illegible]
Hannah J. Miller	[illegible]
Chas V. Ward	[illegible]
Stephen W. Fitzsimberger	[illegible]
Mary E. Palmer	[illegible]
William T. Parsin	[illegible]
Rollie Fields	[illegible]
Sarah A. Dawes	[illegible]
Willard E. Hutchins	[illegible]
Jesse Talbert	[illegible]
Julia E. Setzer	[illegible]
Amanda E. Howell	[illegible]
Bessie J. Rogers	[illegible]
Bessie Rogers	[illegible]

James R. Stubblefield	10[illegible]	Willie A. Carnes	10[illegible]
Ida L. White	10[illegible]	Lucy E. Roberts	10114
Addie B. Miller	10[illegible]	Edward H. Fitzgerald	10115
William R. Crosby	10[illegible]	John T. Pickard	10117
James D. Causey	10[illegible]	Charles Bains	10118
John Kelley	10[illegible]	Henry Mayfield	10119
Kate Craig	10[illegible]	Anna B. Tuttle	10120
John A. Bates	10[illegible]	Richard A. Clark	10121
John J. Demarest	10[illegible]	Emma R. Martin	10122
William Warner	10[illegible]	Walter L. Bates	10123
George A. Allen	10[illegible]	Hattie Brewer	10124
Watie Shelby	10[illegible]	William Hollowman	10125
John E. Carter	10[illegible]	Levi Ashley	10126
John M. Boyd	10[illegible]	Bessie Davis	10127
William Fister	10[illegible]	Eva Brashell	10128
Dorton R. Troth	10[illegible]	Cubbie Carnes	10129
Henry A. Kelley	10[illegible]	Jachnie M. Weyhouse	10130
Mary E. Powell	10[illegible]	Minnie Short	10131
Byron L. Brunson	10[illegible]	Charles L. McClure	10132
George W. Taylor	10[illegible]	William W. Russell	10133
Josie Lowther	10[illegible]	Della Jenkins	10134
Fannie D. Perry	10[illegible]	John A. Reed	10135
Minnie B. Williams	10[illegible]	Ollie Mansfield	10136
Solomon Copeland	10[illegible]	Mary L. Cheal	10137
Ella B. Wood	10[illegible]	Callie Inlow	10138
James Price	10[illegible]	Everett M. Lawrence	10139
Wiley B. McKinney	10[illegible]	Dora E. Hays	10140
Nancy Patrick	10[illegible]	John H. Schrimsher	10141
James R. Stout	10[illegible]	Franklin E. Lyman	10142
George Parker	10[illegible]	Charles F. Tritchy	10143
Laura Morton	10[illegible]	Louisa J. Fishburn	10144
John D. Kelly	10[illegible]	George L. Walker	10145
Nettie Swift	10[illegible]	Annie Taylor	10146
Maggie Rubbridge	10[illegible]	Josie Winters Hall	10147
David R. Stubblefield	10[illegible]	Alice Nichols	10148
Thomas J. C. Thompson	10[illegible]	Lizzie Dry	10149
Cora P. Harlan	10[illegible]	Emma Murray	10150
William L. Singleton	10[illegible]	Annie Winters	10151
Lester Evans	10[illegible]	Maziee Evans	10152
Ellen Mayfield	10[illegible]	Elizabeth J. McClain	10153
Ella Bury	10[illegible]	Ellen J. Price	10154
David J. Matthews	10[illegible]	Rhoda Still	10155
Thomas Brown	10[illegible]	Hannah E. Langley	10156
Houston J. Payne	10[illegible]	Alma Keith	10157
Malinda E. Scrubber	10[illegible]	Flora A. Terrill	10158
Henry Odell	10[illegible]	Telesphora A. Fuscher	10159
Fred Bury	10[illegible]	Samuel Shadix	10160
Mary Russell	10[illegible]	Mary E. Children	10161
Thomas R. Brown	10[illegible]	Robert M. Hamilton	10162
Samuel L. Milligan	10111	John Billingsley	10163

Nannie Martin		[illegible]
Sarah A. Fields		[illegible]
Susie Henderson		[illegible]
Charles H. Blanchard		[illegible]
William H. Watkins		[illegible]
Frank H. Rucker		[illegible]
Henry C. Reed		[illegible]
Lewis B. Timberlake		[illegible]
George A. Brown		[illegible]
Pendleton Lowry		[illegible]
Alonzo Moses	D	9
Lemuel Prather	D	16
Andrew H. Carter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	88
Sarah Barnes	D	100
George T. Kiddy	D	108
Henry C. Agnew	D	120
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Dunbibend	D	169
Annie Levett	D	180
Nora Hood	D	184
John A. Johnson	D	[illegible]
Nathaniel G. Simpson	D	242
Onslow W. Hood	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	252
Levi H. Tuchett	D	253
William H. Connelley	D	254
John A. Sullivan	D	254
May Fields	D	257
Katie Hummingbird	D	258
William F. Sager	D	259
Lovish F. Gunthan	D	264
Henry Grubb	D	268
Lucy F. Lacey	D	269
Collie Blevins	D	271
James S. Alfrey	D	285
Shadrach C. Walton	D	288
Ada Hall	D	370
Jane M. Blake	D	396
Fannie L. Dupree	D	402
Willis Rutlin, Jr.	D	404
Joshua W. Ellis	D	411
Nina B. Owen	D	420
John M. Robinson	D	428
Henry S. Thompson	D	434
Joseph Reed	D	439
Adolphus J. Mallow	D	439
Alexander Walker	D	439
Albert J. High	D	451
Annetta Haley	D	501
Hosea L. Grazier	D	502
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	548
Hattie E. Keys	D	559
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracie Davis	D	577
Edward C. Eaton	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	608
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barnickler	D	655
Nathan J. Brink	D	662
William S. Miles	D	666
Emma Waybourn	D	668
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	723
Francis M. Beathe	D	724
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrew	D	752
William Coon	D	759
Lonie Bruce	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Arthur Williams	D	800
Adam Gearhart	D	806
Cleave F. Rogers	D	845
Annie Garrett	D	868
George S. Yarbarough	D	875

Rhoda A. Sanders	D	875
Manual Spencer	D	894
Benjamin H. Hulbert	D	891
Mary Brandfield	D	936
James L. Tindle	D	944
Silas G. Rencecher	D	966
Ellen Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Heiterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Haslewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1060
Sarah E. Henson	D	1063
Laura D. Henson	D	1066
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Striekler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319

Ella Vann	D	1320
Lizzie Wofford	D	1320
Minnie Downing	D	1323
Katie Rider	D	1324
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1445
Fannie Vann	D	1456
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1556
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Grane	D	2592
Daisy Cash	D	2596
Hiram A. Landers	D	2599
Charles Neel	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Priscilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Dixie Conner	D	2688
John Culwell	D	2689

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820

Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simeo	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lee Fish	D	3061	Della Baldridge	R	105
Horace Gray	D	3062	Samuel Richey	R	107
Lula Pack	D	3063	Malissa Fields	R	144
Lelia C. Harris	D	3064	Fred Zimmerman	R	220
Thomas Jones	D	3066	Ella Anspach	R	241
Benjamin Laws	D	3068	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharies	D	3171	Stephen Haslett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

Cherokee 2-43

Muskogee, Indian Territory, August 2, 1902.

Mandie E. Hill,

Tahlequah, Indian Territory.

Dear Madam:

Upon you application this Commission for the enrollment of Austin L. Hill as a citizen of the Cherokee Nation, you filed with your application your marriage license and certificate showing your marriage on January 22, 1896, to Austin Hill.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclo 2-17.

Cher.2420

Muskogee, Indian Territory, January 10, 1907.

Austin W. Hill,

Tahlequah, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
5 et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.6-100
MTM

Commissioner.

673

REFER IN REPLY TO THE FOLLOWING:

Cherokee R
488

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Austin L. Hill,
Tahlequah, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department January 26, 1907.

Respectfully,

Commissioner.

KTM

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Che. R. 620.

Decision was signed by the Commissioner below being signed to me and is submitted without recommendation.

PDH.

8/3/84

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

RETURN TO
[redacted]

MUSKOGEE, IND. T.
FEB 14 1907
FEG. DIV.

[redacted]

PENALTY FOR PRIVATE USE $300

Austin L. Hill,

Tahlequah, Indian Territory.

4156

[redacted]
MAR 23 1907
TAHLEQUAH, IND. T.
#311.

32223

MUSKOGEE
APR 8
3-AM
19 IND.T. 07

TAHLEQUAH IND.T.
MAR 17
1907
REC'D.

Cher R 421

[illegible], as he [illegible], John Horner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 29 1906.

In the matter of the application of John Horner for the enrollment of himself, wife and child as Cherokee citizens by blood, sworn and examined by Commissioner Madden he testified as follows:

Q What is your name? A John Horner.
Q No middle name? A No sir.
Q What is your age? A 28
Q What is your post office address? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q You are a recognized citizen of the Cherokee Nation. A Yes sir, I am adopted.
Q Who do you want to enroll? A My wife and one child.
Q And you really, when you married before or after 1896? A After.
Q You don't want to enroll yourself? A Yes sir, I will apply for myself.
Q What is the name of your wife? A Laura E. Tipton before she married.
Q What is your wife's age? A 25

Comm: The applicant presents duly authenticated marriage license and marriage certificate certifying that on the 16th day of October 1897 he was married to one Miss Laura Tipton a Cherokee citizen by blood.

Q What are the names of your children? A Lillie Horner.
Q How old is she? A 7 months
Q Have you any proof of birth? A (Produces papers.)

Comm: Roll page 217 shows Laura A. Tipton Tahlequah Dist. 1896 roll page 217 shows Laura Tipton Tahlequah Dist.

Q Laura Tipton your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q You have been living with her continuously since you married her? A Yes sir.
Q Your wife's father and mother living? A Yes sir.

Comm: Madden: The applicant applies for the enrollment of himself, his wife and one child; he makes satisfactory proof of marriage to one Laura E. Tipton a Cherokee citizen by blood in the year 1897, said marriage has not been solemnized too late, under the laws of the Cherokee Nation, for white citizens to acquire any rights by reason of marriage, consequently the application of John Horner for the enrollment of himself is DENIED.

The name of Laura A. Tipton his wife is found upon the authenticated roll of 1896 as well as upon Dawes roll of 1896, and he makes satisfactory proof of the birth of one child named Lillie, whose name does not appear upon any roll, his wife being duly identified and having made satisfactory proof as to red dees, said Laura E. Horner and her child Lillie will be duly listed for enrollment as Cherokee citizens by blood.

A. Dawson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 29th day of November 1906.

[illegible]

RAZI

DEPARTMENT OF THE INT
TO THE FIVE CIVIL TRIBES.

FILED
NOV 27 1900

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 27 1900 1900.

(7) Name John Horner Tahlequah D.T.

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name Rupert

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate Married

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Too Late

COMM'S
FILED
JAN 30 1902
ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollmentas a Cherokee citizen by intermarriage of John Norner, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twenty-one, it is entitled John Norner, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-421.

(61)

CHEROKEE CASE No. 8 423

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 190 8

Mr. John Horner,

Tahlequah, Indian Territory.

Sir:

On the 27th day of November, 1900, 190,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

A R 1131

COMMISSION
FILE
JAN 30 1902

R 421 R

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 16th day of October, 1897, 190....., to one Laura Tipton, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,
Acting Chairman.

Register.

Refer in reply to the following:

Land.
7608-1902.
7872-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 559 to Sec. 569, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1896, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

SAW
D

2V3 inclosures.

1904.

I. T. D. [illegible]
D. 6,5872.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

JANUARY 28, 1904.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 22, 1903, rejecting the application of John Bonney, R. and, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 5[illegible].

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. N 681.

Muskogee, Indian Territory, March 14, 1902.

John Horner,

Tahlequah, Indian Territory.

SIR:

You are hereby advised that the Commission's decision of January 26, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 26, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-421.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 25, 1902, rejecting the application of John Horner, Cherokee No. R. 421, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior, on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cher R 422

MOTHER AS TO APPLICANT
Anna Goddard his wife listed for enrollment as a Cherokee by blood.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 6th 1900.

In the matter of the application for the enrollment of Ewen H. Goddard and his wife Anna Goddard as Cherokee citizens. He being duly sworn before Commissioner Needles, testified as follows:

Q What is your name? A. Ewen H. Goddard.
Q What is your age? A. 40.
Q What is your post office address? A. Tahlequah.
Q What district do you reside in? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. I married since 1896.
Q For whom do you apply for enrollment? A. Myself and wife.

Applicant presents satisfactory proof of marriage to Miss Anna Richards a Cherokee citizen by blood on the 22 day of September 1897. Applicant also presents a certified copy of an act of the Cherokee Council, dated Tahlequah 26th of December 1894, admitting Anna M. Richards to Cherokee citizenship; said act being approved and endorsed by D. W. Bushyhead, Principal Chief of the Cherokee Nation on the 5th of December 1894. The correctness of of said copy being certified to by Alvina Weems, assistant Executive Secretary under the Great Seal of the Cherokee Nation.

Q Is the Anna M. Richards mentioned herein, the identical Anna M. Richards that you claim to be your wife and for whom you now make application for enrollment? A. Yes sir.

1896 roll, page 1228, No 2861, Annie Richards, Tahlequah dist.

Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Have you been living with her ever since your marriage? A. Yes sir
Q Are you living with her now? A. Yes sir.

The name of Anna M. Goddard, wife of applicant, appears on the 1896 census roll as Annie Richards, her maiden name, and satisfactory proof is presented as to her admission to Cherokee citizenship, more particularly described in the testimony. Applicant makes satisfactory proof as to his marriage to his wife in 1897 according to the laws of the Cherokee Nation, but it appears from the evidence that said marriage was celebrated in the year 1897, to late under the laws of the Cherokee Nation, for non-citizens to acquire rights of citizenship by marriage with citizens, consequently the application of Ewen H. Goddard for the enrollment of himself as a Cherokee citizen by intermarriage is rejected. His wife, Anna M. Goddard, being duly identified according to the page and number of the roll as indicated in the testimony, and satisfactory proof having been made as to her residence and citizenship, she will be listed now for enrollment as a Cherokee citizen by blood.

+ +

Shore Van Hoisey, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me
this the 26th of December, 1900

Shore Van Hoisey

[illegible]

Commissioner.

RAS

B7

Name

Citizen by blood

Intermarried citizen

Blood under age

Wife's name

District

CHEROKEES BY BLOOD AND ADOPTED

DEPARTMENT OF THE INT[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 27 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

NOV 27 1900

Date NOV 27 1900 1900.

Name Oscar M. Goddard, Tahlequah, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage 1897

License ..... Certificate .....

Wife's name ..... Rejected

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License Filed NOV 27 1900 Certificate Filed NOV 27 1900

Names of Children:

	Dist.	Year	Page	No.	Age

Rejected

RECEIVED FROM THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible]
[illegible] 1902

MARRIAGE LICENSE.

Cherokee Nation, Tahlequah District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Oscar Goddard, a citizen of the United States, and Miss Anna Richards a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 22nd day of Sept 1897.

(Signed) J. T. Parks
Clerk Tahlequah District

This is to certify that on the 26th day of September 1897, Mr. Oscar Goddard and Miss Anna Richards were by me united in the bonds of Matrimony in accordance with the laws of the Cherokee Nation.

(Signed) Daniel Rogers,
Minister of the Gospel.

This certifies that the within marriage license certificate is recorded on page 44 Record of Marriages this Office. This Sept 27, 1897.

(Signed) J. T. Parks
Clerk, Tahlequah, Dist.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 29, 1908.

I, the undersigned, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Oscar Goddard as citizen of the Cherokee Nation.

Tacquer S. Pate, Jr.
Commissioner.

E R422

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Oscar N. Goddard, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twenty-two, it is entitled Oscar N. Goddard, and is known as a Cherokee rejected application.

Respectfully,

SIGNED: T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

[illegible] CASE No. R. [illegible]

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBECK.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

[illegible],

[illegible], Indian Territory.

Sir:

On the [illegible] day of November, 190[illegible],

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 22d day of September, 1897, 190...., to one Anna Richards, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles,

[redacted],

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1962

ACTING CHAIRMAN.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2107-1902.
D. C. 6283-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Oscar N. Goddard, R 482, for enrollment as an intermarried citizen of said nation, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. P. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Referring to sections 659, 660 and 665 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee D-[illegible]

Muskogee, Indian Territory, April 27, 1908.

Mr. Cesar W. Goddard,

Tahlequah, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Commissioner in Charge.

Register.

Cherokee Nation

Muskogee, Indian Territory, July 21, 1902.

Oscar H. Goddard,
Tahlequah, Indian Territory,
Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on September 26, 1897, to Miss Anna Richards.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. D-326.

COMMISSIONERS
[illegible]
[illegible]
[illegible]
[illegible]

ALBERT L. [illegible]
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING
[illegible]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 27, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:-

You are hereby advised that the Commission's decision of February 24, 1908, rejecting the application of Emma T. Goddard, Citizen No. R 422, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Cher R 423

Cher R 423

Rejected as to applicants.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. November, [illegible]

In the matter of the application of Joseph A. Prather for the enrollment of himself and four children as Cherokee citizens. He being sworn before Commissioner Mantle, testified as follows:

Q What is your name? A. Joseph A. Prather.
Q What is your Age? A. 41.
Q What is your post office address? A. Foyil, I. T.
Q What district do you live in? A. Goweseoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir
Q By blood or inter-marriage? A. Inter-marriage
Q Have you a certificate of your marriage? A. Yes sir.
Q For whom do you apply for enrollment? A. Myself and four children.
Applicant presents satisfactory proof of marriage to Mrs. G.E.Payne a citizen by blood of the Cherokee Nation on the 11th of December, 1892
Q How old is your wife? A. 45.
Q Is she living? A. No sir.
Q Give me the names of your children. A. John H. Q. How old? A. 16.
Q Next? A. George H. Q How old? A. 12. Q Next? A. Elizabeth.
Q How old? A. 11. Q Next? A. Josephine. Q How old? A. 8.
Q You say your wife is dead? Have you married since? A. Yes sir.
Q What is your wifes name? A. Hendricks. Ellen Hendricks.
Q Is she a Cherokee or white woman? A. White.
Q When did you marry her? A. In 1896.

1896, roll page 218, No 772, Joseph Prather, Goweseoowee.
1896 roll, page 152, No 2412, G. E. Payne, "
1896 " 228 " 3287 John H. Prather "
1896 " 228 " 3288 George H. Prather "
1896 " 228 " 3289 Lizzie E. Prather "
1896 " 228 " 3290 Josephine Prather "

Q Are these children all alive at this time? A. Yes sir.
Q Were they born and raised in the Cherokee Nation? A. Yes sir.

The applicant applies for the enrollment of himself and four children. The testimony shows that he was married to Mrs. G. E. Payne a Cherokee citizen by blood in 1892, by whom he had four children, for whom he now applies for enrollment. The testimony also shows that his wife G. E. Payne is deceased, and that since her death he has married Ellen Hendricks, a non-citizen, according to the laws of the Cherokee Nation. By reason of said marriage the said Joseph A. Prather has forfeited his Cherokee citizenship and his application for enrollment as an inter-married Cherokee will be rejected. His children, John H., George H., Elizabeth E., and Josephine Prather appear on the census roll of 1896, they are all duly identified and satisfactory proof has been made as to their residence, consequently they will be duly listed for enrollment as Cherokee citizens by blood.

+ + + + + + + + + + + + + + + +

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the [illegible] of November, 1902.

[illegible]

Commissioner.

B
Rar 3

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 27 1900

ACTING CHAIRMAN.

COOWEESCOOWEE

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 27 1900 1900.

Name Joseph A Prather, Fayette D.

District COOWEESCOOWEE Year 1896 Page 319 No. 778

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed NOV 27 1900 Certificate Filed 27 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

On 1896 roll as Joseph Prather

B
R423

PARTMENT OF THE INT
ON TO THE FIVE CIVIL

FILED
NOV 27 1900

ACTING O

A license marriage issued to J.A.Prather a citizen of the United States to marry Mrs.C.E.Payne a citizen of the Cher.Natn. on this the 11 th day of December 1883 Coming recommended by following persons.

Jno.E.Williams	6 Jacob Wheeler,
2 Tom Buffalo	7 John hallae
3 Steven Benjamin	8 Arthur Armstrong
4 Thomas Lee	9 Wm.H.Shailer
5 Jap Kinney	William Wilson.
11 Jesaph Wilson	(12)Ice Wilson.

Married by Rev.Wm.Adams.

Arch McCoy ,Clerk,Coosoosoowee Dist.
C.N.

Executive Office Cherokee Nation,
Tahlequah I.T.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the foregoing is a true copy taken from the marriage record of Coosoosoowee District Cherokee Nation now filed in this office and is in my custody. Given under my hand and the seal of the Cherokee Nation this the 13th day of November 1900.

B. W. Alberty

Assistant Executive secretary
Cherokee Nation.

D

R1433

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

Acting Secretary

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Joseph A. Prather, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 423, it is entitled Joseph A. Prather, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.423.

aab

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 425.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Joseph A. Prather,

Foyil, Indian Territory.

Sir:-

On the 27th day of November, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that you were married on the 11th day of December, 1883, to Mrs. C. E. Payne, a citizen by blood of the Cherokee Nation. You state that your Cherokee wife is dead and that in 1895 and subsequent to her death, you married Allen Hendricks, a white woman. It appears that you are identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citi-

zenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls this Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provision of the Cherokee law as applicable in this case is found on page 332 of "Laws of the Cherokee Nation" (1892), and is as follows:

"Sec. 466. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person(as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

Under the facts and the law in this case it would appear that by your marriage to Ellen Hendricks, a white woman, since the death of your Cherokee wife, you have forfeited all such rights as you may have acquired by your former marriage, and it is considered that you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws." It is further considered

that under the foregoing provisions of the Act of Congress your name is on the roll of 1896 without authority of law.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure. By (Signed) [redacted]

Register. [redacted].

Commissioner in Charge.

[illegible] INVITED.

[illegible] Street,

[illegible]ington, [illegible] 1898.

[illegible]

[illegible]

[illegible]

Number	Name	Number	Name
162	George M. Warren	160	William E. Stuart
170	George T. Gaddy	246	Frank Gorden
245	John Ross	252	John F. Rice
254	Enos T. Parkins	262	Richard L. Carrington
[illegible]	Lucinda B. Kimbrel	[illegible]	Ida Hall
273	Elizabeth Hall	292	William D. Wallace, Sr.
324	Silas F. Rugby	357	Genesia Youngblood
[illegible]	Keith Drake	[illegible]	Joseph M. Graham
[illegible]	Emily O. Hensley	450	Mary A. Jones
450	John F. Stevenson	456	Frank M. Garrison
457	Samuel [illegible] Carpenter	473	Lillie Reed
485	Ed Courtney	572	William J. Harkins
644	Samuel L. Sweetsir	650	Mary E. Armstrong
[illegible]	Lucinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) provides:

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be sanctioned by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have established their permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

[illegible]

[illegible] [illegible]

[illegible] [illegible]

Department of the Interior,

Washington,

March 26, 1902.

I. T. D. 1704-1902.
D. S. 8811-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Addine Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Joseph A. Trudeau, R. 488, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

R.M.R.

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

L. [illegible]. March 26, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment as Delaware Abel of a Cherokee citizen by intermarriage, R 22.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a nonciticen of the Cherokee Nation in 1884, but this husband having died, she married in 1896 another nonciticen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1890 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provided:

"Sec. 2. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1908, transmitting the case with others, recommended that your decision be concurred in.

The claimant, as held by you, by virtue of the Cherokee law, forfeited her rights to enrollment as a Cherokee citizen by marriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.H.D.

2 inclosures.

[redacted]

[redacted], [redacted], [redacted] 20, [redacted].

Mr. [redacted] L. [redacted],

[redacted], [redacted] [redacted],

Sir:

We are hereby advised that the President's decision of February 24, [redacted], rejecting your application for enrollment as a citizen of the Cherokee Nation was returned by the Secretary of the Interior on the 20th day of March, [redacted].

[redacted],

[redacted]

[redacted]

[redacted]

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Joseph A. Prather, Cherokee No. R 425, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28 day of March, 1902.

Very respectfully,

Commissioner in Charge.

Inter R 424

R. 2

Inquired as to Applicant's wife.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOV. 8TH, 1900.

IN THE MATTER OF THE APPLICATION OF William Wood for the enrollment of himself and wife as citizens of the Cherokee Nation, and the said Wood being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A William Wood.
Q Any middle name? A No sir.
Q How old are you? A Twenty eight years old.
Q What is your Postoffice? A Tahlequah.
Q What district do you live in? A Tahlequah District.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A My wife. She is a white woman.
Q Have you any certificate of marriage? A Yes sir.

Commissioner T. B. Needles: That applicant presents a marriage license and certificate of marriage, certifying that he was married to Miss Ada B. Whitsenant, a citizen of the United States, on the 4th day of July, 1897.

Q Have you always lived in the Cherokee Nation? A I was born and raised here.
Q Is your name William R.? (No response)
Q You sign your name William, do you? A Yes sir.

(1880 Roll, Page 55, #6280, William R. Wood, Tahlequah D'st)
(1896 Roll, Page 168, #9112, Wm. R. Woods, Tahlequah D'st)

The name of William Wood appears upon the authenticated roll of 1880, as well as the census roll of 1896, as William R. Wood. He presents satisfactory proof of marriage to one, Ada B. Whitsenant, on the 4th day of July, 1897, said marriage having been solemnized too late under the laws of the Cherokee Nation for intermarried white citizens to receive any benefits as intermarried citizens. The application for the enrollment of his wife will be denied. She will be rejected.

The said William Wood, being duly identified, and having made satisfactory proof of his residence, will be duly listed for enrollment as a Cherokee citizen by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and hereby forwarding it a true and complete transcript of his stenographic notes thereof.

R R Crawford

Subscribed and sworn to before me this 14th day of November, 1900.

COMMISSIONER.

R 4224

CHEROKEE BY BLOOD AND ADOPTION

DEPARTMENT OF THE INT...
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 23 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

5776

Date NOV 28 1900 1900.

Name Fahrenbach D. J.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ada B. Ward

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected married two wives

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
JUL 30 1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 10 day of July 189 7, at ..... M., and duly recorded in Book 2, Marriage Record, Page 442.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 13 day of July, A. D. 189 7.

(Signed) Jas A. Winston Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 22 190 2

I, the undersigned, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of William Weed as citizen of the Cherokee Nation.

Frances S. Bateman
Commissioner.

MARRIAGE LICENSE.

D-494

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 99.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. William Wood, of Tahlequah, in the Indian Territory, aged 25 years, and Miss Adda B. Whitemarsh, of Tahlequah, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 28th day of June A. D. 1897.

(Signed) James A. Winston
Clerk of the U. S. Court.

(SEAL)

By (Signed) W.W.G.Shelton Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, Nicholas Bitting, a Minister of the Gospel, Do HEREBY CERTIFY, that on the 4th day of July, A. D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 8th day of July A. D. 1897

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 140.

(Signed) Nicholas Bitting
A Minister of the Gospel.

D R1424

COMMISSION
FILED
JAN 30 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Ada B. Weed, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twenty-four, it is entitled Ada B. Weed, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-424.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case
No. R. 424.

Muskogee, Indian Territory,

January 28, 1902.

Ada B. Wood,

Tahlequah, Indian Territory.

Madam:

On the 28th day of November, 1900, your husband, William Wood, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (SO) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

E R424

COMMISSION
FILED
JAN 30 1902
ACTING CHAIRMAN

It appears from the testimony in this case that you are a white woman; that you were married on the 4th day of July, 1897, to William Wood, your said husband, who is a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee Census Roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,

Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chpater XII, Article XVI, Sections 658 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office belives that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAW
D

273 inclosures.

Chew. R 424.

Muskogee, Indian Territory, March 14, 1902.

Ada B. Wood,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

1908.

E.

I. T. D. 862-1908.
D. S. 3870.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February, 25, 1908.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 28, 1908, rejecting the application of Ida B. Wood, R. 424, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with the decision of the Department of same date in the case of Wm. J. Smith, R.338.

Respectfully,

Thos. Ryan,
Acting Secretary.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-424.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Ada B. Wood, Cherokee No. R. 424, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of February 1902.

Very respectfully,

C. R. Breckinridge
Commissioner in Charge.

Cherokee B-424

Muskogee, Indian Territory, July 31, 1902.

William Wood,

Tahlequah, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Adda B. Wood as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on July 5, 1897, to Miss Adda B. Whitemarsh.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-124.

REGISTERED
MAR 18 1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
1902

181

Ada B. Wood, 4239
Tahlequah
I. T.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED 1902 MUSKOGEE, IND.

Ada B. Wood
Tahlequah
I. T.

Cher R 425

R 425

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Emily O. Hensley, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 425, it is entitled Emily O. Hensley, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Encl. C-R. 425.

(0057)

COMMISSIONERS
TIMOTHY L. DOYLE,
TAMS BIXBY,
THOMAS B. NEWLAND,
C. R. ARBUCKLE.

ALLEN L. ATKINSON,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 622.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Emily O. Hensley,
Tahlequah, Indian Territory.

Madam:

On the 20th day of November, 1899, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are identified on the authenticated tribal roll of 1880 as an adopted white. You state that your husband's name at that time was Dean. It would appear that such husband is now dead and that since his death you have been married three times, and that your last husband, Joseph Hensley, to whom you were married in 1894, is a white man.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citi-

zenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provision of the Cherokee law as applicable in this case is found on page 332 of "Laws of the Cherokee Nation" (1892), and is as follows:

"Sec. 666. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The provisions of the Act of Congress herein quoted direct this Commission to enroll all persons now living whose names are found on the roll of 1880, but at the same time the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provision of the Cherokee law substantially as herein quoted was in force and has constituted a part of the intermarriage law ever since October 15, 1855. It is considered that you acquired your citizenship by intermarriage, as indicated on the 1880 roll, subject to the conditions imposed by said section 666 of the Cher-

ches laws. Having married a white man since the death of your Cherokee husband, you have forfeited all such rights of citizenship as you possessed in 1880, and you cannot now be considered as embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.
Register.

By (Signed) T. B. Needles.
[redacted]

Commissioner in Charge.

L.R.S. 12062. E. S.D.

Department of the Interior,

Washington, March 20, 1902.

I. T. D. 1795-1902.
D. C. 6524-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Emily C. Ramsey, R 455, is rejected, as held by you in your decision of February 14, 1902, because she forfeited her right to enrollment by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.R.

[illegible]

Number	Name	Number	Name
159	George H. Tucker	160	William R. Stuart
178	George W. Ordway	240	Frank Gordon
246	John Hunt	252	John T. Rice
254	Ernest W. Parsons	269	William Z. Carrington
264	Lambert T. Linstead	270	Ben Hall
276	Elizabeth Hall	296	William H. Wallace, Jr.
304	Miles T. Bailey	357	Cameron Youngblood
366	Edith Evans	423	Joseph A. Bratney
426	Emily C. Hensley	436	Mary A. Jones
446	John W. Stevenson	458	Frank H. Garrison
467	Samuel W. Carpenter	475	Willis Reed
488	M. Cantrell	520	William J. Hamlin
544	Samuel K. Swafford	559	Mary E. Armstrong
620	Malinda Latham		

Section 21 of the act of June 28, 1898, (30 Stats., 495) declares:

"Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the base roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other roll

[illegible]

[illegible] and [illegible] documents [illegible] [illegible] [illegible]

15089.

DEPARTMENT OF THE INTERIOR,

Washington,

L. R. D. 1902-1903. March 23, 1903.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

February 14, 1903, you transmitted the record in the matter of the application for enrollment of Adaline Abel as a Cherokee citizen by intermarriage-R 90.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1882; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1897 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application upon the Cherokee law of October 16, 1893 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1893), provides:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs [illegible] at least, [illegible], the case with others, recommends that your decision be concurred in.

The situation as held by you, by virtue of the decision [illegible] rights to succeed as a Cherokee citizen by [illegible] marriage upon the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is approved.

A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

[illegible]

Acting Secretary.

E.L.D.

Enclosure.

[illegible]

[illegible], Indian Territory, April 20, 1906.

Mrs. Polly A. Hartley,
Muskogee, Indian Territory.
Madam:

We are hereby notified that the Secretary's decision of February 14, 1906, rejecting your application for enrollment as a citizen of the Choctaw Nation, was affirmed by the Secretary of the Interior on the 16th day of March, 1906.

Very respectfully,

[illegible]

Commissioner to Choctaws.

Enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Emily O. Hensley, Cherokee No. R. 425, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,

Commissioner in Charge.

REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER 28th, 1900.

In the matter of the application of Emily O'Field Hensley for enrollment as a citizen of the Cherokee nation; said Hensley being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Emily O'Field Hensley.
Q What is your age, Mrs. Hensley? A 48.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A I have been until I married Mr. Hensley; I was an adopted citizen before I married him.
Q For whom do you apply for enrollment? A Two boys that is under the age, and I heard this morning that they had been enrolled.
Q What is their names? A Thomas Bean and Julius Bean.
(Upon examination of the records of the Commission to the Five Civilized Tribes, it is found that her two sons have been enrolled.)
Applicant applies for the enrollment of herself.

1880 Roll; page 736, #138, Emily Bean, Tahlequah.

Q What was your first husband's name? A Bean.
Q He was a Cherokee citizen by blood? A Yes, sir.
Q Is he living? A No, sir.
Q Did you marry since his death? A I married three times, I married two men by the name of Ben and they both died and I married Mr. Joseph Hensley.
Q A non-citizen? A Yes, sir.
Q When did you marry him? A Six years ago.

Com'r Needles:--The name of Emily O. Hensley is found upon the authenticated roll of 1880 as Emily Bean, an intermarried white. The evidence shows that since the death of her husband Bean, who was a Cherokee citizen by blood, she has married one Joseph Hensley, a non-citizen of the Cherokee Nation; consequently according to the laws of the Cherokee Nation she has forfeited her right to Cherokee citizenship as an intermarried white person and her application for enrollment will be REJECTED:

---oo0oo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 28th day of November, 1900.

Commissioner.

RB 2 n 5

CHECKED BY

DEPARTMENT OF THE INT

CONTO THE FIVE CIVILIZED TRIBES

FILED
NOV 28 1900

ACTING CHAIRMAN

Approved of Authority Tribal Council Act.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 28 1900 1900.

Name Tahlequah D.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License (Yes) Certificate

Wife's name Emily O. Hensley

District TAHLEQUAH. Year 1880 Page 736 No. 105

Citizen by blood No Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected — married out

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

omitted roll as Emily Bean

CIRCR R 426

Applicant [illegible]

[illegible]
[illegible]
TAHLEQUAH, I.T., [illegible], 1900.

In the matter of the application of Phillip Theodore Johnson for the enrollment of himself and children as citizens of the Cherokee Nation; said Johnson being sworn and examined by Commissioner Rodgers, testified as follows:

Q What is your name? A Phillip Theodore Johnson.
Q What is your age? A Going on 60.
Q What is your post office address? A Tahlequah here.
Q What district do you live in? A This district, Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you want to enroll? A My family.
Q What is your wife's name? A My wife is dead.
Q What was her name before she died? A Penelope.
Q Is she dead? A Yes, sir.
Q What is the name of your children? A Theodore Lafayette.
Q How old is he? A 20 years old.
Q The next child? A John Benson.
Q How old is he? A Been he 18.
Q The next child? A Jacob Brannon.
Q How old is Jacob? A They are twins; 17 going on 18.
Q The next child? A Lou Ella Jane.
Q How old is Lou Ella Jane? A She is 14.
Q What is the name of the next child? A Oliver Warren.
Q How old is he? A He is 11 going on 12.
1880 Roll; page 772, #1102, P. J. Johnson, Tahlequah.
Q When did your wife die? A She died in '91.
Q Have you married since? A Yes, sir.
Q Your present wife is a white woman? A Yes, sir.
Q What is her name? A Her name is Hindy.
Q Hindy what? A Nelson.
Q When did you marry her? A 1895.
Q Are these children living? A Yes, sir.
1896 Roll; page 1193, #1728, Theodore Johnson, Tahlequah.
1896 Roll; page 1194, #1729, John B. Johnson, Tahlequah.
1896 Roll; page 1194, #1730, Jacob H. Johnson, Tahlequah.
1896 Roll; page 1194, #1731, Lou E. Johnson, Tahlequah.
1896 Roll; page 1194, #1732, Oliver W. Johnson, Tahlequah.
Q What is the name of your present wife, her first name? A Hindy Nelson.
1880 Roll; page 772, #1102, P. J. Johnson, Tahlequah.
Q You say these children are all alive and living with you at this time? A Yes, sir.

Com'r Rodgers:--The name of Phillip T. Johnson appears upon the authenticated roll of 1880 as an intermarried white. He avers that after the death of his wife, Penelope, whose name appears upon the authenticated roll of 1880, he married one Hindy Nelson, a non-citizen in the year 1895; consequently according to the laws of the Cherokee Nation he forfeited his rights of Cherokee citizenship by his intermarriage with a non-citizen, he being an intermarried white, and his application for the enrollment of himself will be rejected.

The names of his children, Theodore L., John B., Jacob H., Lou Ella J. and Oliver W., appear upon the census roll of 1896. The oldest child, Theodore being upon the authenticated roll of 1880. They all being duly identified according to the page and number of the rolls as indicated in the testimony and having made satisfactory proof as to their residence, the said children as enumerated herein, will be duly listed for enrollment as Cherokee citizens by blood.

[redacted]

[redacted]

[redacted]

[redacted]

FILED
NOV 29 1900

ENROLLED BY BLOOD AND ADOPTION.

Date NOV 11 1896 1896.

Name Phillip F. Johnson Tahlequah I.T.

District TAHLEQUAH. Year 1896 Page 773 No. 1098

Citizen by blood yes Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

Certificate

Husband's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Enrolled as P. J. Johnson

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902

AGENT CHAIRMAN

(A Copy)

"Filed
Dec. 10-1898.
Jas. A. Winston
Clerk"

Marriage License.

United States of America,
Indian Territory,
Northern District } ss. No. 189.

To any person authorized by law to Solemnize Marriage — Greeting: —

You are hereby commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Phillip Johnson of Pahlequah in the Indian Territory, aged 62 years and Miss Minnie Hilton of Park Hill in the Indian Territory, aged 27 years, according to law, and do you officially sign and return this License to the parties therein named.

Witness my hand and official Seal at Pahlequah, this 17th day of October A.D. 1898.

Seal Nat'l (Signed) James A. Winston
Clerk of the U.S. Court.
By (Signed) H. W. B. Shelton — Deputy

Certificate of Marriage.

United States of America,
Indian Territory,
Northern District } ss.

Rec'd 10th Oct. 1898

I, Nicholas Bilting, a Minister of the Gospel, Do Hereby Certify, that on the 18th day of October A.D. 1898, I did duly and according to law as Commanded in the foregoing License, Solemnize the Rites and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 18th day of October A.D. 1898.

My Credentials are recorded in the office of the clerk of the United States Court, Indian Territory, Northern District, Book "A", page 149.

(Signed) Nicholas Bilting
Minister of the Gospel.

x x x x x

— Certificate of Record —

United States of America,
Indian Territory,
Northern District } SS.

I, James A. Winston, clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the within and hereto attached was filed for record in my office the 19th day of December 1898. at .... M., and duly recorded in Book G. ... Marriage Records page 278.

Witness my hand and seal of said Court at Muscogee, in said Territory this 20th day of Dec. A.D. 1898.

(Signed) Jas. A. Winston
Clerk

By . . . . . Deputy.

United States of America,
Indian Territory,
Northern District. } ss.

I, William F. Rasmussen a Notary Public within and for the judicial District and Territory aforesaid, duly Commissioned and acting, do hereby Certify that the next above and the within and foregoing two (2) pages is a true and literal copy of the originals as exhibited to me this day.

Given under my hand and seal of office at Tahlequah, Ind. Terry. this the 11th day of February A.D. 1904.

Wm. F. Rasmussen. Notary Public

COMMISSION EXPIRES APRIL 23, 1905. (W. F. Rasmussen)

R426

COMMISSION TO THE FIVE CIVILIZED TRI
FILED
MAY 23 1902
ACTING C

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R 42

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 15, 1902.

In the matter of the application of Phillip Theodore Johnson, for the enrollment of himself and children as citizens of the Cherokee Nation.

An examination of the Roll of 1880 shows the name of P. J. Johnson on page 772 of said roll. The P. J. Johnson appearing thereon has been identified as the applicant in this case. His status is there described as an adopted white. The name of his wife Penelope Johnson also appears on said roll.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

aaw

R 426

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Phillip T. Johnson, as a citizen by intermarriage of the Cherokee Nation.

On the 28th day of November, 1900, Phillip T. Johnson appeared before the Commission to the Five Civilized Tribes and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation.

This application included other parties, but as they were differently classified by the examiner in the field they are not embraced in this decision nor considered at this time.

D E C I S I O N.-

--oOo--

It appears from the evidence in this case that Phillip T. Johnson bases his application for enrollment upon intermarriage with a Cherokee citizen. He is identified on the authenticated tribal roll of 1880 as an adopted white, and his wife Penelope Johnson is also identified on such roll. It appears that Penelope died in 1891, and that in 1898 and subsequent to the death of Penelope Johnson the applicant married Minnie Melton, a white woman. In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495);

" That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation

whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon the rolls the Commission is restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

Sec. 666: " Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

The above provisions of the Cherokee law have been in force since 1855. In view of the facts in this case and the law as applicable thereto, it is the opinion of this Commission that the rights of citizenship which applicant acquired by virtue of his marriage to a Cherokee citizen and as indicated on the 1880 roll were subject to the conditions imposed by said section 666 of the Cherokee laws, and it is considered by this Commission that the applicant Phillip T. Johnson by his marriage to Minnie Melton, a white woman, after the death of his Cherokee wife, has lost the rights acquired by his former marriage and is not embraced in that class of persons described in the foregoing Act of Congress as "intermarried white persons" "entitled to citizenship under Cherokee laws."

Applicant does not appear to be identified on the Cherokee Census roll of 1896, and the Commission is therefore of the opinion

R 662

-5-

that under the law and the facts the application of Philip T. Johnson to be enrolled as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,

MAY 20 1902

Muskogee, Indian Territory, January 24, 1902.

Mr. Philip T. Johnson,

Tahlequah, Indian Territory,

Dear Sir:

Upon an examination of the testimony had in the matter of your application to be enrolled as a citizen by intermarriage of the Cherokee Nation it appears that you were formerly married to a Cherokee Indian, and that you are identified on the authenticated roll of 1880 as an adopted white; and that your Cherokee wife died in 1891. It further appears from the testimony that in 1899 you were married to one Mindy Melton, a white woman and not a citizen of the Cherokee Nation.

As your marriage to the said Mindy Melton appears to have been prior to the death of your Cherokee wife, you are desired to advise the Commission immediately whether you procured a divorce from your first wife, and if so to file a copy of the decree with the Commission.

If you were not divorced from her please inform the Commission of the exact date of her death.

Please give this matter your prompt attention, as your case cannot be proceeded with until the information requested has been received.

Yours truly,

6. R426.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 25 1902

ACTING CHAIRMAN.

Acting Chairman.

In answering refer to
Cherokee No. R. 426.

Register.

Cherokee Nat'l. R. 426 S.
Register

WILLIAM F. RASMUS
ATTORNEY AT LAW
TAHLEQUAH, IND. T.

WILLIAM F. RASMUS
NOTARY PUBLIC
Commission Expires

WILLIAM F. RASMUS
ATTORNEY AT LAW
TAHLEQUAH, IND. T.

Tahlequah Ind. Terry. Febry 11-1902.

Hon. Dawes Commission
To the 5. civilized tribes of Indians
Muskogee I.T.

Gentlemen:—

I am in receipt of your Communication under date of the 24th Ult. stating that I am identified on the authenticated Cherokee Census roll of 1880, as an adopted white citizen, that my wife (Penelope Johnson - nee Penelope Adair) died in the year 1891. all of which is correct - and you

WILLIAM F. RASMUS.

(2)

WILLIAM F. RASMUS.

further state, that, from the testimony before you adduced, that in the year "1889." I was married to one "Mindy Helton", a white woman, and not a citizen of the Cherokee Nation, and that you desire to be advised immediately, whether I proceeded a divorce from my first wife, etc.

and I have to say that,

"In the matter of my second marriage to "Mindy Helton" (the latter erroneously spelled, and should read "Minnie" Helton) as alleged by your Commission, is no error as to the date "1889" given, and very probably a clerical oversight, as the correct date by me given and as appears upon the face of my

INDEXED.

R426

COMMISSION TO FIVE TRIBES.

No.	Received	ANSWERED Book	Page
2040			
1902	FEB 13 1902		

Johnson, Phillip T.
Tahlequah, I. T.,
Feb. 11, 1902.

CHEROKEE

Enc. copy of his marriage certificate in order to correct error in date of his second marriage.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902

Acting Chairman.

WILLIAM F. RASMUS.
ATTORNEY AT LAW
MUSKOGEE, IND. T.

WILLIAM F. RASMUS.
NOTARY PUBLIC

(3)

WILLIAM F. RASMUS.
ATTORNEY AT LAW
MUSKOGEE, IND. T.

Marriage License and Marriage Certificate, in the year 1898. and as evidenced by the herewith Certified Copy of said marriage license and Certificate — all of which Explanations, I trust will fully satisfy your Commission that there is no obstacle in the way to prevent me from being properly Enrolled as a bonafide citizen of the Cherokee Nation, on "a Straight Card" — Your Early response, will greatly oblige

Very Respectfully
Phillip T. Johnson.
By his attorney
Wm. F. Rasmus.

Please address in care of my said attorney.

Mrs Johnson has employed Rich for consultation & Powerfully in Answer

Enc. R-[illegible].

COPY.

Muskogee, Indian Territory, June 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Phillip T. Johnson for enrollment as a citizen of the Cherokee Nation, including the decision of the Commission dated May 30, 1902.

Respectfully,

Tams Bixby.

Acting Chairman.

Enc. R-[illegible].

Through the Commissioner of Indian Affairs.

Cherc. R-426.

COPY.

Muskogee, Indian Territory, June 10, 1902.

Phillip T. Johnson,

Tahlequah, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby.

Acting Chairman.

Enc. R-426.

Registered.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Charo. R-426.

Muskogee, Indian Territory, June 10, 1908.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted the decision of the Commission to the Five Civilized Tribes in the matter of the application of Phillip T. Johnson for enrollment as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Commissioner in Charge.
~~Acting Chairman.~~

Enc. R-6.

Refer in reply to
the following:
Land.
34,906-1902.

(Copy)

Department of the Interior,
Office of Indian Affairs,
Washington, June 27, 1902.

The Honorable
The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report from T. B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated June 10, 1902, forwarding for the Department's consideration the record relative to the application of Phillip T. Johnson for the enrollment of himself as an intermarried citizen of the Cherokee Nation; also for the enrollment of his minor children.

The record in this case shows that the applicant was married to a Cherokee woman by the name of Penelope Johnson; that his name appears on the roll of 1880 as an adopted white; that his Cherokee wife died during the year 1891, and that in 1898, subsequent to the death of Penelope Johnson, he married Minnie Helton or Hilton, a white woman.

This last marriage was performed in accordance with a license issued by the clerk of the United States Court of the Northern District of the Indian Territory.

The commission in its decision of May 20, 1902, quoted from section 21 of the Curtis Act, as follows:

"That in making rolls of citizenship of the several tribes,

"as required by law, the Commission to the Five Civilized Tribes "is authorized and directed to take the roll of Cherokee citizens of "eighteen hundred and eighty (not including freedmen) as the only "roll intended to be confirmed by this and preceding Acts of Con- "gress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to "persons whose names are found thereon; and all persons who have been "enrolled by the tribal authorities who have heretofore made permanent "settlement in the Cherokee Nation whose parents, by reason of their "Cherokee blood, have been lawfully admitted to citizenship by the "tribal authorities, and who were minors when their parents were so "admitted; and they shall investigate the right of all other persons "whose names are found on any other rolls and omit all such as may "have been placed thereon by fraud or without authority of law, en- "rolling only such as may have lawful right thereto, and their de- "scendants born since such rolls were made, with such intermarried "white persons as may be entitled to citizenship under Cherokee laws", also from section 666 of the Cherokee laws, which is as follows:

"Should any man or woman, a citizen of the United States or "of any foreign country, become a citizen of the Cherokee Nation by "intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall con- "tinue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, as the case may be), having

"no rights of Cherokee citizenship by blood; in that case, all of his "or her rights acquired under the provisions of this act shall cease"; and held that as the applicant had married a white woman who had no rights in the Cherokee Nation he had lost whatever rights he acquired by his former marriage to a Cherokee woman and that he was therefore not entitled to enrollment as an intermarried citizen.

With this conclusion the office does not agree.

Section 21 of the Curtis Act declares that the commission shall take as the only roll intended to be confirmed by said act or preceding acts the Cherokee roll of 1880, and directs it "to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and enroll all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto , and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Phillip T. Johnson, the applicant, is a white man.

From the record it would seem that he married his Cherokee

wife prior to 1880, and that, as above stated, his name also appears on said roll as an adopted white. The office believes that the status of white persons whose names appear on the 1880 roll is the same as that of a native Cherokee. The act specifically declares that the commission shall enroll all persons whose names appear on said roll together with their descendants born since the date of such roll.

The commission in its decision reached the conclusion that this application came under that part of section 21 which declares that it shall enroll such intermarried citizens as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee Laws declares that if any man or woman, a citizen of the United States or of any foreign country, becomes a citizen of the Cherokee Nation and be left a widow or widower by the decease of the Cherokee wife or husband and afterwards marries a white man or woman having no rights in the Cherokee Nation as a citizen by blood whatever rights such person acquired by the former marriage shall be forfeited.

This provision of the Cherokee law would decitizenize the applicant to citizenship if it were not for the fact that his name appears on the 1880 roll.

The office is therefore of the opinion that the applicant should be enrolled and it respectfully recommends that the decision of the commission rejecting the applicant be not approved, and that the commission be directed to place the name of the applicant on the

Cherokee roll now being prepared by it.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(C. A. W.)

E.

R426

D. C. Nd. 12780-1902.

S. V. P. 46941 W. C. P.

W. C. P.

3982-1902.

I. T. D.

DEPARTMENT OF THE INTERIOR.

Washington, August 6, 1902.

The Commission to the

Five Civilized Tribes,

Gentlemen:

The record in the application of Phillip T. Johnson for enrollment as a citizen of the Cherokee Nation, transmitted by your letter of June 10, 1902, has been examined.

It seems that Johnson, a white man, married a Cherokee citizen, and his name was placed upon the authenticated tribal roll of 1880 as an intermarried citizen. His Cherokee wife died in 1891 and in 1898 he married a white woman not a citizen of the Cherokee Nation.

The act of June 10, 1896 (29 Stat., 321, 339), authorized the Commission to the Five Civilized Tribes to hear and determine applications for citizenship in said tribes or nations, and to make up a complete roll of citizenship of each of said nations, and declared "that the rolls of citizenship of the several tribes as now existing are hereby confirmed." The act of June 7, 1897 (30 Stat., 62, 84), contains other provisions respecting the duties of your commission in making up the rolls of said tribes and declares that the words "rolls of citizenship", as used in the act of June 10, 1896 "shall be construed to mean the last authenticated rolls of each tribe which have been approved by the council of the nation."

The act of June 28, 1898 (30 Stat., 495, 502), contained further provisions regarding the rolls of said tribes and one relating especially to the Cherokee Nation is found in the first paragraph of section 21, as follows:

> That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

The only provision of the Cherokee laws affecting this question is section 666, Laws of the Cherokee Nation (1892), quoted in your decision and which reads:

> Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship; unless he or she shall marry a white man or woman or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, his or her rights acquired under the provisions of this act shall cease.

You held that Johnson by his marriage to a white woman lost all the rights acquired by his former marriage to a Cherokee Indian and does not come within the class of persons described as

"intermarried white persons . . . entitled to citizenship under Cherokee laws," and denied his application for enrollment.

The Commissioner of Indian Affairs expresses the opinion that the act of Congress confirming the Cherokee roll of 1880 and directing the enrollment of all persons whose names appear thereon requires that Johnson be enrolled.

The purpose of confirming said roll was to prevent any inquiry as to its correctness at the time it was made and to prevent the Nation from being heard to say that one who was then recognized by the national authorities as a citizen was not at that time entitled to such recognition. It was not intended, however, to say that one thus enrolled could not afterwards abandon the tribe or otherwise forfeit his citizenship. The laws, usages and customs of the nation were not abrogated or canceled as to such a person. The whole tenor of the legislation discloses an intent to recognize and observe all laws of the nation not in conflict with some provision of a treaty or law of Congress. This provision of the tribal law that one who gains citizenship by intermarriage forfeits it by afterwards marrying a non-citizen is not in conflict with any provision of a treaty or law of the United States. In this respect it differs from similar provisions in the Choctaw and Chickasaw laws which the United States court for Indian Territory has held to be in conflict with Article 38, Treaty of April 26, 1866 (14 Stat., 769, 779), which reads:

Every white person who, having married a Choctaw or Chickasaw, resides in the said Choctaw or Chickasaw nation, or who has been

adopted by the legislative authorities, is to be deemed a member of said nation, and shall be subject to the laws of the Choctaw and Chickasaw nations according to his domicile and to prosecution and trial before their tribunals and to punishment according to their laws in all respects as though he was a native Choctaw or Chickasaw.

There being no provision in any treaty or law of Congress declaring the status of a white person marrying a Cherokee citizen, that Nation had the right to insert in the law conferring upon such persons citizenship in the Nation the penalty of forfeiture in case of a later marriage with a non-citizen.

For the reasons herein given your action refusing to enroll Phillip T. Johnson as a citizen of the Cherokee Nation is approved.

Very respectfully,

Thos. Ryan,

Acting Secretary.

[redacted]

[redacted]

[redacted]

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBECK.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 426.

Muskogee, Indian Territory, August 16, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, of date May 20, 1902, denying the application of Phillip T. Johnson for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 6, 1902.

Very respectfully,

Acting Chairman.

Cmer R 427

[illegible] Jr. [illegible]

Justice [illegible] called and all papers and testimony relative to case to be transferred to Docket No. [illegible]

December 10, 1900.

T. H. Hopkins,
Commissioner.

COPY OF TES[illegible]
WITH T[illegible]

REJECTED.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 28, 1900.

In the matter of the application of James Albert Griffin for the enrollment of himself as a Cherokee citizen, being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A James Albert Griffin.
Q How old are you? A I am about 30.
Q What is your postoffice address? A Tahlequah.
Q In what district do you live? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A I guess so.
Q By marriage or blood? A Marriage.
Q Who do you want to enroll? A My wife and children are already enrolled I reckon.
Q Who do you apply for, yourself? A Yes sir; me and my wife is separated at present.
Q What is your wife's name? A Barbara.
Q What was her name before you married her? A Barbara Thomas.
Q When did you marry her? A Here at Tahlequah in 1897.
Q You were married if you say in 1897? A Yes sir.
Q Living with your wife now? A No sir.
Q Your wife was a Cherokee citizen by blood? A Yes sir.
Q Your name is not on any of the rolls of the Cherokee Nation?
A No sir.

Comr. Needles. The testimony shows that James A. Griffin a non-citizen, married Barbara Thomas a citizen, in the year 1897, the law under the laws of the Cherokee Nation for enrollment as a citizen and to acquire rights as an intermarried citizen, consequently the application for the enrollment of James A. Griffin will be REJECTED.

M. D. Green, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this 29th day of November 1900.

Commissioner.

Authority of applicant [illegible]

CHEROKEES BY BLOOD AND ADOPTION.

(30)

Date: Nov 13 1902

Name: James A. Gribble — Sahcupner

District: — Year: 1896 Page: — No.:

Citizen by blood: — Mother's citizenship:

Intermarried citizen:

Married under what law: — Date of marriage:

Licensed: — Certificate:

Wife's name:

Minutes: — Year: — Page: — No.:

Citizen by blood: — Mother's citizenship:

Intermarried citizen:

Married under what law: — Date of marriage:

Licensed: — Certificate:

Names of Children:

Dist. — Year: — Page: — No.: — Age:

Dist. — Year: — Page: — No.: — Age:

Dist. — Year: — Page: — No.: — Age:

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Register Manual too late

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P. 1198

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of James A. Gribble, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twenty-eight, it is entitled James A. Gribble, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Commissioner~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYERSWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 422.

Muskogee, Indian Territory, February 14, 1902.

Mr. James A. Gribble,

Tahlequah, Indian Territory.

Sir:-

On the 28th day of November, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provisions of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married to Barbara Thomas, alleged to be a citizen by blood of the Cherokee Nation, in 1897. You are not identified on any of the rolls of the Cherokee Nation, and your said marriage was subsequent to the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Inclosure.
Register.

By (Signed) [redacted]
[redacted]n.

T. B. Needles,
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Washington, District of Columbia, FEB 1 ' 1902

Receipt of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of transmittal of its decision rendered in the matter of the application for enrollment as a citizen of the Cherokee Nation

by James .. Gribble

Cherokee No. F. 428.

Attorney for Cherokee Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 5, 1902.

I. T. D. 2108-1902.
D. C. 6282-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of James A. Gribble, R 428, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 539, to 554, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible]
APR [illegible] 1907

Cherokee R-422

Muskogee, Indian Territory, April 17, 1902.

Mr. James A. Gribble,

Tahlequah, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully ,

Commissioner in Charge.

Register.

COMMISSIONERS
TIMOTHY L. SHARP,
TAMS BIXBY,
THOMAS B. NEBLOCK,
C. R. BREEDLOVE.

ALONZO L. ATLESBERRY,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING
Cherokee-R-428.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1908.-

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:-

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of James A. Grizzle, Cherokee No. R 428, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REC[illegible] MUSKOGEE, IND. TER. 1900

2176

125

~~Mr. James A. Gribble,~~

~~Tahlequah,~~

~~Indian Territory.~~

REGISTERED
JUN 20 1902
TAHLEQUAH, IND.
REGISTERED No 263

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

RECEIVED
MUSKOGEE, IND. TER.

6919

RETURN TO WRITER

UNCLAIMED

Cner R 429

REJECTED, as to wife, Regina R. Bitting.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T., November 30, 1900.

In the matter of the application of Leppoe Bitting for the enrollment of himself and family as Cherokee citizens; he being duly sworn before Commissioner Needles testified as follows:

Q What is your name? A Leppoe Bitting.
Q What is your age? A 29.
Q What is your post-office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes sir.
Q By blood? A Yessir.
Q Who do you want to have enrolled? A Myself and family
Q What is your wife's name? A Regina R.
Q How old is she? A 24
Q Is she a Cherokee Citizen by blood? A No, by adoption.
Q She is a white person then? A Yes sir.
Q Have you a certificate of marriage? A Yes sir.
Com'r: Applicant presents a duly authenticated marriage license and certificate issued under the laws of the United States certifying that he was married to one Regina R. Williams, a non-citizen, the 6th of December, 1897.
Q What are the names of your children? A Kellie.
Q How old is this child? A 2 years.
Q Next? A Emma.
Q How old is Emma? A 6 months.
Q Is that all? A Yes sir.
Q Do you apply for your wife as well as yourself? A Yes sir, I guess so.

1880 roll page 409 #145 Leppo Bettings Goingsnake Dist,
1896 roll page 1135 #122 Leppoe Bettings Tahlequah Dist;

Q Have you got any proof of the birth of this child? A Yessir

The name of Leppoe Bitting is found upon the authenticated 1880 roll and on the census roll of 1896; and he makes satisfactory proof of his marriage to his wife, Regina R. Williams, a non-citizen, in 1897, by whom he avers he has two children, Kellie and Emma Bitting, whose names do not appear upon the census roll of 1896, they having been born since said rolls were compiled; but he presents satisfactory proof as to their birth; he has been duly identified, and makes satisfactory proof as to his residence; therefore thesaid Leppoe Bitting and his two children, Kellie and Emma Bitting will be duly listed for enrollment as Cherokee citizens by blood.

He avers that he was married to his wife, Regina R. in the year 1897, too late, under the provisions of the Cherokee law, for non-citizens to acquire any rights of citizenship by reason of their marriage to Cherokee citizens, consequently, the application for the enrollment of his wife will be REJECTED.

Charles vonWeise, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Charles vonWeise

Subscribed and sworn to before me this 8th day of November 1900.

Commissioner.

R429

B

CHEROKEE A BLOOD AND ADOPTION

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 30 1900

ACTING CHAIRMAN

TAHLEQUAH
Statement of Applicant Thereto Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 30 1900 1900.

Name Tahlequah Dist.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen Rejected

Married under what law ..... Date of marriage .....

License .....

Wife's name Roynda E. Bitting

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen Yes

Married under what law ..... Date of marriage 1897

License Filed NOV 30 1900 Certificate Filed NOV 30 1900

Names of Children:

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

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Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

R429

[illegible] No. [illegible]

[illegible] Chickasaw Nation.

Commissioner.

FILED
APR [illegible] 1902

ACTING CHAIRMAN.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 11 day of Dec. 189 7, at ..... M., and duly recorded in Book "J", Marriage Record, Page 245.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 6th day of Jan., A. D. 189 8.

James A. Winston Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 190 2.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Regina E. Bitting as citizen of the Cherokee Nation.

Commissioner.

8429.

FILED
APR 14 1902
COMMISSION

MARRIAGE LICENSE.

B-420.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 112

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Lawson Bitting, of Tahlequah, in the Indian Territory, aged 26 years, and Miss Emma E. Williams, of Tahlequah, in the Indian Territory, aged 21 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 6th day of December A. D. 1897.

James A. Pinston
Clerk of the U. S. Court.

By H. W. G. Shelton. Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, H. W. G. Shelton, a Deputy Clerk of the U. S. Court, Do Hereby Certify, that on the 6th day of December, A. D. 1897, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 6th day of December A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book ....., Page .....

H. W. G. Shelton,
Deputy Clerk as aforesaid.

LD R 1150

DEPUTY
COMMISSIONER
FILED
JAN 30 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Regina E. Bitting, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and twenty-nine, it is entitled Regina E. Bitting, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

Encl. C-429.

Cherokee case No. R-429

Muskogee, Indian Territory,

January 26, 1903.

Mrs. Regina E. Bitting,

Tahlequah, Indian Territory.

Madam:-

On the 30th day of November, 1900, your husband, Leppoe Bitting, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16,1895. It is as follows:

> "That from and after the passage of this act, all non-citizens, who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white woman; that you were married on the 6th day of December, 1897, to Leppoe Bitting, your said husband, a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee Census

E R429

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JAN 30 1902

ACTING CHAIRMAN.

R 429 S

Roll of 1896, and your said marriage was contracted after the enactment of the Cherokee law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has thisday been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,
Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chpater XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 529 to 534 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to grant no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office belives that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAW
D

273 inclosures.

LEGAL.

I. T. D. 863-1902.
E. G. [illegible].

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 25, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 8, 1902 rejecting the application of Regina E. Biddle, [illegible] for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, [illegible].

Respectfully,

Thos. J. Ryan,
Acting Secretary.

Enrc. 2 429.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON J. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1902.

Regina E. Bitting,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee,
No. R.429.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,
Atty., for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Regina R. Ritting, Cherokee No. R. 429, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th. day of February 1902.

Very respectfully,

Commissioner in Charge.

[illegible]

[illegible], Indian Territory, April 12, 1902.

Mrs. Regina E. Pitkin,
Tahlequah, Indian Territory,
Dear Madam:

Your application to this Commission for enrollment as a citizen of the Cherokee Nation, you stated with your application, marriage license and certificate showing your marriage on the 6th day of November, 1897, to Lorenzo Pitkins.

Your case having been carefully disposed of, the marriage license and certificate is herewith returned to you.

Very truly,

[illegible] in charge.

[illegible]

Cher R 430

STATEMENT OF THE APPLICANT,
CONSIDERED IN THE [illegible] NATION,
Tahlequah, I.T., November 20th, 1896.

IN THE MATTER OF THE APPLICATION OF Frank M. Faulkner for the enrollment of himself, wife and children as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Frank M. Faulkner.
Q How old are you? A As near as I can come at it, twenty seven years old.
Q What is your Postoffice address? A Rocky.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A No sir, by adoption.
Q When do you want to enroll? A Myself, wife and four children.
Q Have you any certificate of marriage? A Yes sir.

The applicant presents a duly authenticated marriage license and marriage certificate, certifying that he was married to one, Ella Rose Harris, in the State of Arkansas, on the 1st day of February, 1891.

Q Have you any Cherokee marriage license? Is your wife a Cherokee by blood? A Yes sir.
Q Have you any marriage license from the Cherokee nation?
A No sir.
Q Never was married according to the laws of the Cherokee Nation on them? A No sir.
Q What are the names of your children? A Child 1.
Q How old is Child 1.? A Seven years old.
Q What child? A Charles.
Q How old is Charles? A Five.
Q What child? A Child 3. She is four.
Q What sex? A Female.
Q How old is Child? A Two years old.
Q Is that all? A Yes sir.
Q What is your wife's age? A Twenty five.
Q What is her father's name? A Noah Harris.
Q Is he living? A No sir, he is dead.
Q What is her mother's name? A Pauline E.
Q Is she living? A Yes sir.
Q Is your wife's name on the roll of 1880? A No sir.
Q Have you any proof as to her descent? A I can get a certificate; I have not got it with me.

(1880 Roll, Page 1272, [illegible] Frank Faulkner, Sequoyah District)
(1880 Roll, Page 1140, [illegible] Faulkner, Sequoyah District)
(1880 Roll, Page 1140, [illegible] Faulkner, Sequoyah District)
(1880 Roll, Page 1140, [illegible] Charles Faulkner, Sequoyah District)
(1880 Roll, Page 1140, [illegible] Ella E. Faulkner, Sequoyah District)

Q Are these children all living with you at this time? A Yes sir.

By Mr. Merritt Starr, Cherokee Representative:
Q Did you and your wife, Rose, come here at the same time that your brother in law, Noah A. Harris came, did you not?
A No sir, we came before he did.
Q When did you come here? A In 1889.
Q Did Noah and Martha Harris come at the same time you did?
A No sir, Noah came directly after I did and Martha came before she did.

By Commissioner T. B. Needles:
Q When did your wife, Rose Harris, return to the Cherokee Nation?

A In 1896.
Q How old was she in 1896? She was eighteen before she married?
A Yes sir.
Q Has she lived here continuously since 1896? A Yes sir.
Q What was her age, as you know, when she was admitted in 1888?
A About eight years, I think.
Q Then she lived there continuously until that time?
A In the State?
Q Yes sir? A Yes sir.
Q Continuously until she married you: Then she removed here?
A Yes sir.
Q Were any of these children born in Arkansas? A No sir. one.
Q Which one? A Ollie E.
Q The other children were all born in the Cherokee Nation?
A Yes sir.

The name of the applicant's wife, Emma Harris is found upon the census roll of 1896, as Emma Faulkner, satisfactory proof being presented as to her marriage to one, Frank Faulkner, a non citizen, in the State of Arkansas, in the year 1892. The records of the Cherokee Nation show that she was admitted to citizenship in the year 1888, when she was eight years of age; she married in Arkansas and removed to the Indian Territory after said marriage, being then eighteen years of age.

The testimony shows that her eldest child, Ollie E. Faulkner, was born in the State of Arkansas, the remaining children having been born in the Cherokee Nation. Said Frank Faulkner, who applies for the enrollment of himself, having been a non citizen, and never having been married according to the laws of the Cherokee Nation, his application for his own enrollment is rejected., and by reason of the testimony as to whether the said Emma Faulkner forfeited her citizenship, final judgment as to the enrollment of said Emma Faulkner and her children, Ollie E., Clarence, Anna C., and Bessie, will be suspended and their names will be placed upon a Doubtful Card. It will also be necessary for the applicant to file with this Commission satisfactory proof of birth as to the youngest child, Bessie Faulkner, whose name does not appear upon the Census roll of 1896, she having been born after same was compiled.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A A Crawford.

Subscribed and sworn to before me this first day of December, 1906.

C. Theodore

COMMISSIONER.

R430 B

[illegible]MENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 30 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath

(CHEROKEES BY BLOOD AND ADOPTION.)

(27) Date NOV 20 1909

Name Frank M. Faulkner ✓ Moody D.D.

District TAHLEQUAH. Year 1896 Page 1299 No. 76

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Husband's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Rejected

Rejected

Names of Children

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

I am known as Frank Faulkner

Book [illegible]

[illegible]

STATE OF ARKANSAS COUNTY OF CLARK.

To any Person Authorized by law to Solemnize Marriage-Greeting:

You are hereby commanded to solemnize the rite and publish the Bans of Matrimony between Mr. E. L. Smallwood of Sherwood in the County of Hot Spring (?) and State of Arkansas, aged 19 years, and Miss [illegible] Morris of Sherwood in the County of Hot Spring and State of Arkansas aged 16 years, according to law and do you officially by sign and return this license to the parties herein named.

Witness my hand and Official seal this the 30th day of January 1921.

(SEAL) (Signed) A. W. Wilson, County Clerk.

CERTIFICATE OF MARRIAGE.

STATE OF ARKANSAS
COUNTY OF HOT SPRING.

I, E. F. Thomas do hereby certify that on the First day of Feb. 1921 I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

Witness my hand this first day of Feb. 1921.

(Signed) E. F. Thomas.

My Credentials are recorded in Recorder's Office, Clark Co. Ark. Bk_____, Page_____.

CERTIFICATE OF RECORD

STATE OF ARKANSAS
COUNTY OF CLARK

I, A. W. Wilson Clerk of the county court, and Recorder of said County, certify that the above License for and certificate of marriage of J. L. Smallwood and Miss Ruth Morris were on the 5th day of Feby 1921, filed in my office, and the same are now duly recorded on page 126 of Book 1 of Marriage Records.

Witness my hand and seal of said County this 5th day of Feby 1921.

(Signed) A. W. Wilson, Clerk.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T. [illegible] 28, 1906.

I, the undersigned a stenographer for the Dawes Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of E. L. Smallwood as a citizen of the Cherokee Nation.

19

R430

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902
ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Frank M. Faulkner, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 450, it is entitled Frank M. Faulkner, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED). T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.450.

(COPY)

Cherokee R-480

Muskogee, Indian Territory, February 14, 1908.

Frank H. Hamilton,

Tahlequah, Indian Territory.

Sir:-

On the 30th day of November, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation. It appears from the testimony in this case that you were married under the laws of the State of Arkansas, on the 1st day of February, 1891, to Ellen Herrin, who claims to be a citizen by blood of the Cherokee Nation. You are identified on the Cherokee Census Roll of 1896, but it does not appear that you were ever re-married to your said wife by authority of a Cherokee marriage license. The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the act of Congress approved June 28, 1898, (30 Stats., 495), and are as follows:

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlemtn in the Cherokee nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any

other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherok e law applicable in this case are found on pages 329 to 331, of "Laws of the Cherokee Nation," (1892), and are as follows:

" - - -every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. - - "

"No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

Under the foregoing provisions of the Cherokee law it is considered that under the facts in this case you never acquired the rights of an intermarried white person entitled to citizenship under Cherokee laws, and it is further considered, in view of the facts hereinset forth, that your name is upon the roll of 1896 without authority of law.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to

the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes one copy of the Commission's letter of [illegible] of a decision rendered 14 1902 in the matter of the application of Frank M Faulkner for citizenship as a citizen of the Cherokee Nation.

Chas. E. Faulkner
Attorney for Cherokee Nation

Cherokee No. RH30

FILED
1902
ACTING CLERK

L.R.C. 1902. F. S.F.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1222-1902.
D. C. 8722-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application for enrollment of Benjamin J. Betterton as an intermarried citizen of the Cherokee Nation, N S, you are advised that the application of Frank M. Faulkner, N 430, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.R.

E. M. T. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON,

I. T. D. 1878-1902,
1878-1902,
R. C. 3700-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin F. Betherton for enrollment as a Cherokee citizen by intermarriage, F.M., transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the applicant was married to a Cherokee woman in 1893 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 496), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", due to the "laws of the Cherokee Nation," compilation of 1892, viz:

"Section 250. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been legally divorced. . . . ."

"Sec. 600. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he has been a voter."

"Sec. 601. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.D.

1 inclosure.

Cherokee R-650.

Muskogee, Indian Territory, April 10, 1906.

Mr. Frank E. Dunlaney,
Tahlequah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1906, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1906.

Very respectfully,

Acting Chairman.

Enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-430

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 15, 1908.

W. W. Hastings, Esq.,
Atty For Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Frank M. Faulkner, Cherokee No. R-430, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April 1908.

Very respectfully,

Acting Chairman.

Cherokee R-430

Muskogee, Indian Territory, July 31, 1902.

Frank M. Faulkner,

Woodys, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on February 2, 1891, to Miss Emma Herrin.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. E-188.

Cher R 431

Cher R 431

Applicant's Wife REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., NOVEMBER [illegible], 1906.

In the matter of the application of Elias R. Gourd for the enrollment of himself, wife and children as citizens of the Cherokee nation; said Gourd being sworn and examined by Commissioner Rice, testified as follows:

Q What is your name? A Elias R. Gourd.
Q How old are you? A 30 years old.
Q What is your post office address, Mr. Gourd? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee nation? A Yes, sir
Q By blood? A Yes, sir.
Q Whom do you want to enroll? A Myself and wife and family.
Q What is the name of your wife? A Armanda.
Q Is she a Cherokee citizen by blood? A No, sir.
Q Have you any proof of marriage? A Yes, sir.

Com'r--Applicant presents a marriage license and certificate of marriage certifying that one Grace Gourd was married to one Elias Armanda Bochelhymer, a non-citizen, according to the laws of the United States, on the 25th day of December, 1895.

Q What are the names of your children? A Sallie R. Gourd.
Q What is her age? A She will be three in January.
Q The next child? A Allen Rank R. Gourd.
Q How old is he? A Two months.
Q Have you got any certificate of birth as to these children? (Presents same.)
Q What is your father's name? A James R. Gourd.
Q Is he living? A Yes, sir.
Q What is the name of your mother? A Nancy .
Q Is she living? A No, sir.
1880 Roll; page 799, #972, Elias R. Gourd, Tahlequah.
1896 Roll; page 1178, #1170, Elias Gourd, Tahlequah.
1896 Roll; page 1220, #61, Amanda Gourd, Tahlequah.
Q Mr. Gourd, the marriage license that you present certifies that one Grace Gourd was married to one Armanda Bochelhymer, are you the identical Gourd that is mentioned in this as Grace Gourd? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir.

Com'r Needles:--The name of Elias R. Gourd appears upon the authenticated roll of 1880 as well as the census roll of 1896. He avers that he was married in the year 1896, to his wife, Armanda Bochelhymer, and the result of said marriage is two children, Sallie and Allen R., whose names do not appear upon the census roll of 1896 and he presents satisfactory proof as to their birth. He being duly identified and having made satisfactory proof as to his residence, said Elias R. Gourd and his two children as aforesaid, will be duly listed for enrollment as Cherokee citizens by blood.

The marriage to his wife being consummated in the month of December--25th--1895, being too late for intermarried citizens to receive any benefits of citizenship, his application for her enrollment will be REJECTED.

---oo0oo---

J. G. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. G. Rosson

Subscribed and sworn to before me this 1st day of December, 1906.

[illegible]

R431 B

[illegible] OF THE
COM[illegible]ION TO THE FIVE CIV[illegible] TRIBES
FILED
NOV 30 1900

[illegible]
ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Date NOV 30 1909 1909.

Name TAHLEQUAH

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Rejected

Married under what law Date of marriage

License Certificate

Wife's name Amanda R. Gourd

District Oak Year 1896 Page 180 No. 81

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage Dec 25, 1895

License Filed NOV 30 1909 Certificate Filed NOV 30 1909

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

On 1896 roll as Amanda Gourd

Commissioner.

FILED
APR 14 1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Tinsley, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 7th day of January, 189 6, at ..... M., and duly recorded in Book "B", Marriage Record, Page 519.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 8 day of Jany., A. D. 189 6.

James A. Tinsley, Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 190 8.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Amanda R. Gourd as citizen of the Cherokee Nation.

..... Commissioner.

1431

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss. No. [illegible].

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Green Bound, of Tahlequah, in the Indian Territory, aged 19 years, and Miss Amanda [illegible], of Tahlequah, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this [illegible] day of December A. D. 189[illegible].

James A. [illegible],
Clerk of the U. S. Court.

By E. W. G. [illegible], Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, E. M. [illegible], a Minister of the Gospel, Do Hereby Certify, that on the [illegible] day of December, A. D. 189[illegible], I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this [illegible] day of December A. D. 189[illegible].

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book [illegible], Page [illegible].

E. M. [illegible],
A Minister of the Gospel,
Pastor of Methodist Church,
Tahlequah.

COMM
JAN 1902

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Amanda R. Scott, refused by the Commission under the provisions of the act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and thirty-one, it is entitled Amanda R. Scott, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. 0-GH.

Cherokee R-431.

Muskogee, Indian Territory,

January 28, 1902.

Mrs. Armada R. Gourd,

Tahlequah, Indian Territory.

Madam:-

On the 30th day of November, 1900, your husband, Elias R. Gourd, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and alldescendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities, who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said rolls, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1895. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokeepeople or the Cherokee Nation, and chapter 1[illegible], article 16, sections 659 to sec. 669, inclusive pages 329 to 33[illegible], of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married to Elias H. Gourd, your said husband, who is a citizen by blood of the Cherokee Nation, on the 25th day of December, 1895. You are identifiedon the Cherokee Census Roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect

COMMISSION
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ACTING CHAIRMAN.

"from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as a intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby.

Acting Chairman.

Register.

(8877)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chpater XIX, Article XVI, Sections 559 to Sec. 569, inclusive pages 529 to 534 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

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273 inclosures.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON,

February 28, 1908.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 30, 1908, rejecting the application of Bruce E. Gourd, case R. 451, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, R. 333.

Respectfully,

Thos. Ryan,
Acting Secretary.

C. Dowd, R 4[illegible]

Muskogee, Indian Territory, March 14, 1902.

Amanda E. Gourd,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-451.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Armada R. Gourd, Cherokee No. R. 451, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

[illegible]

[illegible], Indian Territory, April 12, 1902.

Mrs. Annie L. Cowan,

Pallkwah, Indian Territory.

Dear Madam:

Your application for enrollment as a citizen of the Choctaw Nation, was filed with your application, marriage license and certificate showing your marriage on the 23rd day of December, 1899, to Owen Cowan.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Enclosure.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

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REGISTERED

Mrs. Armada R. Gourd,

Tahlequah,

~~Indian Territory.~~

23

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Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., November 30, 1906.

In the matter of the application of James A. Palmer for the enrollment of himself and wife as Cherokee citizens; he being sworn and examined by Commissioner B. R. Hagdon, testified as follows:

Q What is your name? A James A. Palmer.
Q How old are you? A 42 years old.
Q What is your postoffice address? A Sheldon.
Q What district do you live in? A Sequoyah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Who do you desire to enroll? A Just myself.
Q Your wife? A My wife's a white woman. I was married in 1881.
Q What is her name? A Louisa J.
Q What are the names of your children? A Seven of my children.
Q Have you any certificate of marriage? A No sir.
Q No proof of marriage? A I got some affidavits that I was married, but haven't got them with me.
Applicant presents a certified copy from the office of the Commission on citizenship dated Tahlequah, March 16, 1897, signed by J. B. Adair, Chairman of the Commission, B. R. Lipe, Commissioner, attested by Henry Elfrent, Clerk of the Commission. The correctness of the copy presented being certified to by E. M. Liberty, Assistant Executive Secretary, under the great seal of the Cherokee Nation, certifying that one J. A. Palmer, a Cherokee citizen by blood, was re-admitted to all the rights of citizenship on the 6th day of December, 1896.
Q When did you move to the Cherokee Nation? A In '92.
Q Been living here continuously since 1892? A Yes sir.
Q Living here now? A Yes sir.
1896 roll, page 320, #5720, James Palmer, Sequoyah county.
1896 roll, page 116, #765, Louisa (J.) Palmer, Sequoyah county.
Q You were married in 1881, but you were not admitted to citizenship until in 1896? A Yes sir.
Q Your wife wasn't admitted at that time? A No sir.
Q You were never married according to the laws of the Cherokee Nation? A No sir, married in Arkansas.

Commissioner Hagdon:-
The name of James A. Palmer appears upon the Dawes roll of 1896, and he presents satisfactory proof of his re-admission to Cherokee Citizenship in the year 1896, and also makes satisfactory proof as to his residence. He applies for the enrollment of himself and wife, Louisa J. He swore that he was married to Louisa J., a non citizen in the State of Arkansas in the year 1881, and no certificate or proof of her admission to citizenship is filed; consequently, his application for the enrollment of his wife will be rejected, and he will be enrolled as a Cherokee citizen by blood.

E. G. Rothenberger, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 1st day of December, 1906.

C. R. Hagdon
Commissioner.

Cherokee R 432.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., October 14, 1902.

In the matter of the application of Louisa J. Palmour for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

LOUISA J. PALMOUR, being sworn, testified as follows:

By the Commission,

Q What is your name? A Louisa J. Palmour.
Q What is your age at this time, Mrs. Palmour? A Forty-six.
Q What's your postoffice? A Chelsea.
Q Are you the same Louisa J. Palmour that applied to the Commission for enrollment as an intermarried citizen in November, 1900?
A Yes, sir.
Q What is your husband's name? A James A. Palmour.
Q Is he a citizen by blood of the Cherokee Nation? A Yes, sir.
Q Is he living? A Yes, sir.
Q When were you and he married? A 1881.
Q '91? A '81.
Q Had you ever been married prior to your marriage to Mr. Palmour?
A No, sir.
Q Had he ever been married prior to his marriage to you? A No, sir.
Q You're his first wife and he's your first husband? A Yes, sir.
Q Have you and he lived together since your marriage all the time up to the present time? A Yes, sir.
Q Never been separated? A No, sir.
Q Living together as husband and wife on the first day of September, 1902, were you? A Yes, sir.
Q Where were you married to Mr. Palmour? A In Arkansas.
Q State of Arkansas? A Yes, sir.
Q Were you living there when you and he married? A Yes, sir.
Q How long after your marriage before you moved to the Cherokee Nation? A Three years, I think.
Q Was he readmitted to citizenship after he moved back here?
A Yes, sir, he had been admitted before. He was readmitted.
Q Did you furnish the Commission with your marriage certificate when you applied before? A It was burned up.
Q Did you furnish the testimony of witnesses? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since about '84 up to the present time? A Yes, sir.
Q Never lived out of the Cherokee Nation since 1884? A Only visiting.

Retta Shink, being sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

Retta Shink

Subscribed and sworn to before me this 27th day of October, 1902.

B. O. Jones
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Louisa J. Palmour as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on November 30, 1900, James A Palmour appeared before the Commission at Tahlequah, Indian Territory and made application for the enrollment of himself as a citizen by blood of the Cherokee Nation, and for the enrollment of his wife Louisa J. Palmour as a citizen by intermarriage of the Cherokee Nation. James A. Palmour has been differently classified and is not embraced in this decision.

The evidence shows that Louisa J. Palmour, a white woman, was lawfully married in the State of Arkansas in 1881, to James A. Palmour, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on December 8, 1884. The Cherokee Supreme Court in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson hold that a white woman married to a Cherokee Indian at the time of his admission to citizenship acquires thereby the rights of Cherokee citizenship. The said Louisa J. Palmour is identified on the Cherokee Census roll of 1896.

The evidence further shows that the said Louisa J. Palmour has resided with her husband in the Cherokee Nation since 1885, and that she was a resident of said Nation at the date of the application herein.

It is, therefore, the opinion of this Commission that Louisa J. Palmour should be enrolled as a citizen by intermarriage of the Cherokee Nation in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner

Commissioner

Dated at Muskogee, I. T.

this FEB - 2 1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECHINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-432

Muskogee, Indian Territory, February 16, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James A. Palmour for the enrollment of his wife, Louisa J. Palmour, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. R-70

Cher R433

[illegible] as to applicant.
[illegible] as to wife Rosa and child [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December, 1st 1900.

In the matter of the application of Albert B. Skelly for the enrollment of himself, wife and child as Cherokee citizens. He being sworn before Commissioner Kendrick, testified as follows:

Q What is your name? A. Albert B. Skelly.
Q What is your age? 27.
Q What is your post office address? A. Nicomo Springs.
Q What district do you live in? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. By marriage.
Q Who do you want to have enrolled? A. Myself, wife and child.
Q Have you a certificate of marriage? A. ——
Applicant presents a duly authenticated marriage license and certificate certifying that he was married to Mis R. A. Thompson on the 22 of February 1897.
Q Do you apply for yourself? A. Yes sir.
Q What is the age Age of your wife? A. 22.
Q What is her fathers name? A. Joseph B. Thompson.
Q Is he living? A. Yes sir.
Q What i her mothers name? A. Julia A. Thompson.
Q Is she living? A. Yes sir.
Q What is your childs name? A. William D.
Q How old? A. One year.
Q Have you any proof of birth as to this child with you? A. No sir.
Q What is your wife's first name? A. Rosa.

1880 roll, page 481, No 1767, Della Thompson, Tahlequah dist.
1896 " " 2088 Deally Thompson "

Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. Yes sir.
Q Have you been living with her continuously since your marriage to her intermarried and are you living with her now? A. Yes sir.
Q Never were seperated? A. No sir.

Applicant presents duly authenticated marriage license and marriage certificate to one R. A. Thompson, a Cherokee citizen by blood, and her name is found on the authenticated 1880 roll as Della Thompson and on the 1896 census roll as Deally Thompson. She is duly identified as Rosa A. Skelly the applicants wife. He avers that he has one child as a result of said marriage, named William D. Skelly, one year of age, whose name does not appear on the census roll of 1896, having been born since said roll was compiled, and he makes no satisfactory proof as to its birth. The applicant avers that he was married to his present wife in the year 1897, too late under the laws of the Cherokee Nation for him to receive any of the rights or benefits of Cherokee citizenship by intermarriage, consequently his application for enrollment will be rejected. As to the application for the enrollment which he makes for his wife, Rosa A. and his child William D, they will be duly listed for enrollment as Cherokee citizens by blood. In order to complete the enrollment of his child William D. it will be necessary for him to file with the Commission satisfactory proof as to its birth, it not being identified on the census roll of 1896.

Geo. von Peltz being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 1st of December, 1900.

Commissioner.

R 133

DEPARTMENT OF THE I[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 1 1900

ACTING CHAIRMAN.

CHEROKEE BA[illegible]

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date DEC -1 1900 1900.

Name Albert B. Shelby Sloan Okla. Ter.

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen Yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Rejected

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License Filed DEC -1 1900 Certificate Filed DEC -1 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

R433

COMMISSIONER

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APR 14 1902

ACTING CHAIRMAN

MARRIAGE LICENSE. [illegible]

Cherokee Nation, [illegible] District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. A. R. [illegible],

a citizen of the United States, and Miss [illegible] R. A. Thompson

a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of said Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the [illegible] 23d

day of February 1897.

[illegible]

Clerk Delaware District

I, G. W. Smith, certify that on 2 day of Feb. 1897, solemnized the rights of matrimony between the within named parties, this the 2 day of February 1897, My credentials are recorded in Lamar Co., Ark.

Witness,

G. W. Smith.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 24, 1906.

I, the undersigned, do hereby certify that the above and [illegible] true and correct copy of the original affidavit in evidence in the matter of the application [illegible]

Alfred H. Smith, [illegible] Notary Public.

[illegible]

Commissioner.

D. R. 1.1.

COMMISSIONER OF THE INTERSTATE
COMMISSION TO [illegible] COMMERCE TRADE

FILED
JAN 30 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 26, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Albert B. Shelly, refused by the Commission under the provisions of the Act of Congress approved June 28,1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and thirty-three, it is entitled Albert B. Shelly, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-433.

(41)

CHEROKEE CASE No. 8 [illegible]

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKENRIDGE.

ALLISON J. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 26, 1902.

Mr. Albert E. Shelly,

Siloam Springs, Arkansas.

Sir:

On the 1st day of December, 1900, 190..., you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

E R 1122

COMMISSION
FI
JAN 30 1902

ACTING CHAIRMAN.

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 2nd day of February, 1897, 190..., to one Miss K.A.Thompson, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby,
Acting Chairman.

Register

(8087)

Refer in reply to the following:

Land.
9909-1902.
9272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1898, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XIX, Article XVI, Sections 659 to Sec. 660, inclusive pages 332 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones.

Commissioner.

SAW
D

273 inclosures.

[illegible]

[illegible] OF [illegible] Z.

X.E.B.601-1002.

[illegible]

D.C. [illegible]

[illegible] 27, [illegible]

Complaints to the Five Civilized Tribes;

[illegible], Z. Z.

Gentlemen:

Your decision of January 28, 1908, rejecting the application of Albert D. Shelly, [illegible] 430, for enrollment as a Cherokee citizen by intermarriage, is returned in accordance with decision of the Department of even date in the case of Ray J. Smith, [illegible] 528.

Respectfully,

[illegible],
Acting Secretary.

[illegible]

[illegible], Indian Territory, March 14, 1902.

Albert E. Shelley,

Silver Springs, Arkansas.

Sir:

You are hereby advised that the Commission's decision of January 24, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 24, 1902.

Very respectfully,

Commissioner in Charge.

Enclosure.

(3X.N

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. ADAMS,
C. R. BREDINBURG.

ADDISON L. SYLLABOTTOM,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING
Enrolled No. 455.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

T. T. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 24, 1902, rejecting the application of Albert E. Reilly, Cherokee No. E. 455, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 20th day of February 1902.

Very respectfully,

C. R. Bredinburg

Commissioner in Charge.

[illegible]

[illegible], [illegible] [illegible], [illegible] 24, 1952.

Mr. Robert L. [illegible],

[illegible] [illegible],

[illegible]

[illegible] you applied to this [illegible] for enrollment as a citizen of the Cherokee Nation, you filed with your application, [illegible] Birth and Tribal Affidavit showing your birthday as the 2nd day of [illegible], 1897, in [illegible] L. [illegible], [illegible].

This case having been finally disposed of, this notice [illegible] and certificate is returned herewith to file.

[illegible] [illegible],

[illegible] [illegible] [illegible],

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 1st, 1900.

In the matter of the application of Sarah A. Setzer for the enrollment of herself and children as citizens of the Cherokee Nation; said Setzer being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sarah A. Setzer.
Q What is your age? A 32.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q By blood or intermarriage? A Intermarriage.
Q Who do you desire to enroll? A Myself and children, my husband is dead.

Com'r:--Applicant presents a certificate of marriage certifying that she D. C. Setzer married one Sarah Beaverson on the 4th day of September, 1886.

Q Your husband's name was D. C. Setzer? A Yes, sir.
Q He was a Cherokee by blood was he? A Yes, sir.
Q [illegible] children? A Annie M. She is 13.
Q Is your husband's name on the roll of 1880? A No, sir, I do not know whether [illegible]
Q What is the name of your next child? A Jamie A., age 11.
Q The next one? A [illegible].
Q How old is that? A [illegible] is dead.
Q What is the name of the next one? A Eliza M., age six; they have there is two that is not on there.
Q What are their names? A David E., age four.
Q The next one? A Lillie E., she will [illegible] two, the 15th of this month.

INTERROGATORIES BY W. W. HASTINGS, Cherokee Representative:

Q You were married in Tennessee? A Yes, sir.
Q You were living there at the time? A Yes, sir.
Q How long had he been living there before you married? A He started to this country before the emigration give out and got as far as Sweet Water, Tennessee and staid there until '95, I believe it was.

Applicant: I don't know think we ever had my name put down on the 1896 roll, but we had mine and my little boy's sent to the Dawes Commission. He just neglected to have my name put down.

1894 Roll, page [illegible], #2961, David C. Setzer, Tahlequah.
1894 Roll, page [illegible], #2962, Anna M. Setzer, Tahlequah.
1894 Roll, page [illegible], #2963, Jamie Setzer, Tahlequah.
1894 Roll, page 1149, #2964, Maud Setzer, Tahlequah.
1894 Roll, page 1149, #2965, Ella M. Setzer, Tahlequah.

Q Have you got any proof of birth of these two younger children? A I have not with with me.

Com'r Needles--Mrs. Setzer, your husband applied for citizenship for himself and yourself in 1896, to the Dawes Commission and the application was denied. Upon examination of the roll of the Cherokee nation for the year 1896, Docket B, page [illegible], #431, Ah Lee Hand and David C. Setzer, et al., appellants, [illegible] Gibson, on the 4th day of September, 1896, and that [illegible] nation [illegible] appeal was taken; consequently the [illegible] tion [illegible] Sarah E. Setzer for the enrollment [illegible] children are denied and they will be rejected, the [illegible] the Dawes Commission be [illegible].

[illegible]

[illegible]

CHEROKEES BY BLOOD AND ADOPTION.

Date Dec -1 1900 1900

Name

Tahlequah, I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(32)

Wife's name Sarah A. Satzer

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage

License Certificate

Names of Children:

2 Annah M. Satzer	Dist. Tahlequah	Year 1894	Page 1149	No. 2962	Age 13
3 Jane A. "	Dist. Tahlequah	Year 1894	Page 1149	No. 2963	Age 11
4 Maud L. "	Dist. Tahlequah	Year 1894	Page 1149	No. 2964	Age 9
5 Ella M. "	Dist. Tahlequah	Year 1894	Page 1149	No. 2965	Age 6
6 David F. "	Dist. - - - - -	Year - -	Page - -	No. - -	Age 4
7 Lillie E. "	Dist. - - - - -	Year - -	Page - -	No. - -	Age 2
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

2 on 1896 roll as Anna M. Satzer

3 " " " " Jamie "

Maud "

Denied by the Dawes Com. 1896

Book 2 Page 245 Case #4427

(NOTE)

"D" #434.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., DECEMBER 12th, 1900.

IN THE MATTER OF THE APPLICATION OF Sarah A. Setzer, "D", #434.
Sarah A. Setzer, being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Sarah A. Setzer.
Q You applied to be enrolled here, did you? A Yes sir.
Q You applied for yourself and your children? A Yes sir.
Q What statement do you desire to make? (No response)

By Mr. W. W. Hastings, Cherokee Representative:
Q What is your husband's name? A David G. Setzer.
Q He is dead now? A Yes sir.
Q When did he die? A A year ago the 22nd of August.
Q Did he apply to the Dawes Commission in 1896 for enrollment as a citizen? A No sir; only for me and the baby.
Q He applied for you and the baby? A yes sir.
Q He did not apply for himself? A Not that I know of.
Q Do you know he did not? A If he ever did, I never knew anything about it, and I do not think he would unless I would know about it.
Q He had some relative by the same name? A yes sir.
Q David G.? A Yes sir.
Q And he lives up near South West City, Missouri? A yes sir.

Martha Setzer, being sworn and examined by Commissioner, T. B. Needles, testified as follows:
Q What is your name? A Martha Setzer.
Q Did you know David G. Setzer? A Yes sir.
Q Do you know whether he applied to the Dawes Commission? A A yes sir.
Q That is the husband of this woman here? A No sir; he is my brother in law.
Q Did the husband of Sarah Setzer ever apply to this Commission? A No sir, not that I know of.
Q You do not know whether he did nor not? A No sir, if he did, I guess I would have heard of it.
Q But you never heard of it? A No sir.

Sarah A. Setzer, recalled:
Q You stated that he (your husband) applied for you and the baby child? A yes sir.
Q You said in your testimony that he applied to the Dawes Commission for the enrollment of yourself and your child: Was that in 1896? A No sir; it must have been 1897.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

A. R. Brown

Subscribed and sworn to before me this 18th day of January, 1901.

Commissioner.

R 434

Department of the Interior,

Commission to the Five Civilized Tribes.

Muskogee, I. T., January 31, 1902.

In the matter of the application of Sarah A. Setzer et al for enrollment as Cherokee citizens.

It appears from an examination of the records of this Commission that the David C. Setzer who made application to the Commission to the Five Civilized Tribes on the 6th day of September, 1896, for admission to citizenship in the Cherokee Nation and whose said application was denied, is not the David C. Setzer, the husband of Sarah A. Setzer.

The printed list of such "North Carolina Cherokees" as well as the printed list of persons admitted and readmitted to citizenship by the Cherokee authorities, which list was prepared by the tribal authorities of the Cherokee Nation and is in the possession of this Commission, have been examined for the name of D. C. or David C. Setzer, and it cannot be found therein. It does not appear that D. C. Setzer was ever admitted to citizenship by the Cherokee tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court on his appeal therefrom.

It is ordered that copies of this statement be filed with the testimony in the above case.

C. R. Breckinridge

Commissioner.

Out

D-424

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application of Sarah A. Setzer for the enrollment of herself, and children as citizens of the Cherokee Nation.

DECISION.

It appears from the records in this case that on the first day of December, 1900, Sarah A. Setzer appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her children, Annie M., Jane A., Maud L., Ella M., David P. and Lillie E. Setzer as citizens by blood of the Cherokee Nation.

It appears from the evidence that the said Sarah A. Setzer was married on the 4th day of September, 1886, to D. C. Setzer, alleged to be a citizen by blood of the Cherokee Nation. She testifies that her husband started to come to this country "before the immigration give out", and got as far as Sweetwater, Tennessee, and stayed there until 1893. It does not appear when he reached the Cherokee Nation, but at the earliest was until 1894. It appears from the evidence, however, that the said D. C. Setzer was never admitted to citizenship in the Cherokee Nation by the tribal authorities or by the Commission to the Five Civilized Tribes or by the United States Court on appeal. He is, however, identified on the Cherokee Tribal roll of 1894. It further appears that the David C. Setzer whose application for admission to citizenship in the Cherokee Nation was denied by the Commission to the Five Civilized Tribes, was not the husband of this applicant.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898, (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts in this case it is considered that the name of David C. Setser is on the roll of 1894 without authority of law, and that his wife, Sarah A. Setser, could acquire no rights not possessed by her husband, neither could her children above named acquire any rights of citizenship not possessed by either of their parents.

It is therefore the opinion of this Commission that the application for the enrollment of Sarah A. Setser, Annah M., Jane A., Maud L., Ella M., David F. and Lillie M. Setser as citizens of the Cherokee Nation should be denied, and it is so ordered.

Dated at Muskogee, Indian Territory,
this the 2d day of April, 1902.

IN THE DEPARTMENT OF THE INTERIOR.

---oOo---

In re

Application of Sarah A. Setzer,
et al., for enrollment as citi-
zens of the Cherokee Nation.

---oOo---

MOTION FOR REVIEW AND REHEARING.

And now come Annie M., Jane A., Frank L., Ella M., David F., and Lillie E. Setzer, applicants, and move that the decision rejecting their applications for enrollment be set aside and that a review and rehearing be granted and had for the following reasons:

1. This case is on all fours with that of Dora Caldwell, decided by the Department on November 12, 1906. Mrs. Caldwell is the sister of David C. Setzer, the father of these children. Martha Setzer, the mother of Mrs. Caldwell and Mr. Setzer and the grandmother of these children, "was readmitted to citizenship in the Cherokee Nation on July 30, 1888, by the tribal authorities of said nation;" so there can be no doubt of the Cherokee blood of these children.

2. David C. Setzer was more than twenty-one years of age when his mother was readmitted; but so was Mrs. Caldwell, his sister.

3. We here quote from the Finding of Facts in the decision of the Commission to conveniently show that under the Martin Hill, Shirley and Caldwell cases these children are clearly entitled to enrollment:

The evidence shows that, on September 4, 1886, the said Sarah A. Setzer, a white woman, was married in the State of Tennessee to David C. Setzer, alleged to have been a citizen by blood of the Cherokee Nation, and, in 1892 or 1893, he removed with his wife to the Cherokee Nation. The minor applicants herein are the issue of such marriage.

The evidence further shows that the said David C. Setzer was born in North Carolina of parents who were not then citizens of the Cherokee Nation; and it appears that neither he nor his father were ever admitted to citizenship in the Cherokee Nation by the tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court on Appeal. An examination of the records of the Cherokee Nation, now in possession of the Commission, shows that Martha Setzer, mother of David C. Setzer, was readmitted to citizenship in the Cherokee Nation on July 30, 1888, by the tribal authorities of said nation; but it appears from the evidence that said David C. Setzer was then of full age.

It appears that David C. Setzer, Annah M. Setzer, Jane A. Setzer, Maud L. Setzer, and Ella M. Setzer are identified upon the 1894 strip payment roll of the Cherokee Nation, respectively, as follows: David C. Setzer, Anna M. Setzer, Janie Setzer, Maud Setzer and Ella M. Setzer and that their names were added to said roll by the revising committee appointed under an act of the National Council of said nation, approved April 15, 1893. The applicants, David F. Setzer and Lillie E. Setzer, are too young to appear upon any of the tribal rolls but are identified by birth affidavits on file with the Commission.

A reconsideration of the claims of Mrs. Sarah A. Setzer is not asked at this time.

Respectfully submitted,

Henry T. Kingsbell

Jno. Henry White

Attorneys for Applicants.

R.

[illegible] BY THE [illegible]
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 30th, 1906.

In the matter of the application of Sarah A. Sutter for the enrollment of herself as a citizen by intermarriage of the Cherokee nation, and for the enrollment of her children Annie M. Sutter, John A. Sutter, Ethel L. Sutter, Willie M. Sutter, David F. Sutter and Lillie M. Sutter as citizens by blood of the Cherokee nation.

Appearances:
Applicant appears in person.
Cherokee nation by H. W. Scott, esq.

On the 24th day of April, 1906, the Commission rendered a decision in the matter of the application of the above named persons in which their application to be enrolled as citizens of the Cherokee nation was denied. On the same day the case was forwarded to the Secretary of the Interior for review and final decision. Under date of May 22nd, 1906, the record in this case, involving the application of Sarah A. Sutter for the enrollment of herself and children, was returned to the Commission in order that it might point out why the name of David G. Sutter, the husband of the applicant, and certain of his children appear on the 1896 Cherokee strip payment roll without authority of law, as found in the Commission's decision under date of April 24th, 1906; and for the further taking of testimony in said case, if necessary.

Supplemental to R-654.

On the 27th day of June, 1906, Sarah A. Sutter was notified by registered letter to appear before the Commission at its office in Muskogee, Indian Territory, on the 30th day of June, 1906, and submit further testimony as regards her application for the enrollment of herself and children as citizens of the Cherokee nation.

SARAH A. FREDERICK, being duly sworn, testified as follows:
Examined on by the Commission.

Q. What is your name? A. Sarah A. Frederick.
Q. How old are you? A. 34.
Q. What is your post office address. R. Tahlequah.
Q. You appeared before the Commission at Tahlequah in December, 1900, and made application for the enrollment of yourself and children as citizens of the Cherokee nation. A. Yes, sir.
Q. You were at that time the widow of David G. Sutter, were you? A. Yes, sir.
Q. You made application for the enrollment of yourself as a citizen by intermarriage? A. Yes, sir?
Q. And for the enrollment of your children as citizens by blood of the Cherokee nation? A. Yes, sir.
Q. Since the date of your application you have remarried, have you? A. Yes, sir.
Q. What is the name of your present husband? A. Adam Frederick.
Q. What is his citizenship? A. White man.
Q. When were you married to him? A. 20th day of November.
Q. Last November? A. Yes, sir.
Q. Who married you? A. Mr. Baldwin.
Q. Is he a minister of the gospel? A. Yes, sir.
Q. Has your present husband ever been recognized in any manner as a citizen of the Cherokee nation? A. No, sir. Why, I think he has. He had never been on any of the rolls. He has never applied.
Q. Where was you living with the time of your marriage to David G. Sutter? A. Living in Tennessee.

Q. What part of Tennessee? A. Jackson County.
Q. When were you married? A. [illegible].
Q. How long after your marriage was it before you came to the Cherokee Nation? A. I don't know exactly. I think we came here either [illegible] or 1888. We came in [illegible] by the steamboat.
Q. Where did you come from? A. Came from Arkansas.
Q. Had either you or your husband ever been in the Cherokee Nation prior to that time? A. No, sir.
Q. Did your husband, when he came to the Cherokee Nation, make application to the tribal authorities for admission to citizenship? A. Yes, sir; I guess he did.
Q. Do you know of your own knowledge whether he did make application? A. Yes, he made application.
Q. Did he make application to the council. A. Yes, sir.
Q. Did he live in the Cherokee Nation continuously from long ago until the time of his death? A. Yes, sir.

FRANCIS M. BUTLER, being duly sworn, testified as follows:
Examined by the Commission.

Q. What is your name? A. Francis M. Butler.
Q. How old are you? A. I am 41 years old; will be fifty-five.
Q. What is your post office address? A. Tahlequah.
Q. Are you the brother of D. C. Butler, deceased? A. Yes, sir.
Q. You are the uncle of the children applied for in this case? A. Yes, sir.
Q. Were you your brother here? A. My brother was born in Cherokee County, North Carolina.
Q. When did he come to the Cherokee nation? A. He came here in the spring of 1882 or 1883, I just say think.
Q. What did you come? A. About 12 years ago last January.
Q. Did you come prior to the arrival of your brother or subsequent? A. I came before they did.
Q. How long before? A. I came about 4 years before they did.
Q. Did you have the same father and mother? A. Yes, sir.
Q. Upon your arrival in the Cherokee nation did you apply to the tribal authorities of the nation for admission to citizenship? A. Yes, sir.
Q. Did you apply to the Committee or council? A. Council.
Q. Were you admitted? A. Yes, sir.
Q. Do you know whether your brother applied to the council of the Cherokee nation? A. Yes, council.
Q. What action did the council take? A. The first council didn't take any action at all.
Q. Do you neither admitted nor denied? A. No, sir. I in 1896 there was a committee appointed by the administration to revise the roll and to place all entitled thereon and take off those not subject to be thereon. In that committee they placed him on the roll.
Q. Is your mother a Cherokee? A. Yes, sir.
Q. Did she ever live in this country? A. Yes, sir; she is living here now.
Q. How old was David C. Butler when he died? A. He was two years older than I am. He would have been about 41 years old, I think.
Q. Is your father not a recognized citizen of the Cherokee nation? A. Yes, sir.
Q. When did she come to the nation? A. She came here about the time I did.
Q. Prior to the arrival of your brother? A. Yes, sir; she came years before my brothers came here.
Q. Was she admitted to citizenship? A. Yes, she was admitted to citizenship by the court before she came here.
Q. Have you any claim or claims? A. I have the same claims.

Q. Where do they live? A. Over in Tahlequah district.
Q. Are these children of the same age as your brother? A. They stand the same [illegible], [illegible] with Cornell's wife.
Q. Never claimed to be citizens? A. Just the same as [illegible].
Q. Did your brother exercise the right of suffrage? A. Yes, sir.
Q. Did he vote? A. Yes, sir; voted at every election that he held.
Q. Do these children, or their father, hold any property?
A. Own their place.
Q. After he came did he ever leave from the limits of the nation?
A. No, sir.
Q. When did your brother die? A. My brother died two years ago last August.
Q. Where was your brother living? A. He living at Bokoshe.
Q. Do you know whether he made application to the census commissioners for the enrollment of himself and children?
A. Yes, sir; he did.
Q. Do you know whether he was enrolled? A. They couldn't enroll him because he didn't have one of those certificates up there with him. There was no one there to recognize him.
Q. Have you ever heard your brother's right to citizenship in the Cherokee nation disputed? A. Never disputed until this case up here.

There is offered in evidence a certificate signed by John L. Adair, executive secretary, dated at Tahlequah, Indian Territory, September 9th, 1896, and bearing the seal of the Cherokee Nation, in which he certifies that the following names, to-wit: David S. Sutner, Annie M. Sutner, John A. Sutner, Maud L. Sutner and Nile E. Sutner, appear upon the general roll, Tahlequah district, in the Cherokee nation, and were added thereto by the committee of the national council as citizens of said district according to an act of the national council approved April 5th, 1895.

Examination by Mr. Hastings.

Q. You say your brother was given this certificate September 9th, 1896. Do you know whether he presented this after that time either to the census taker, Tahlequah district. A. I think he did. I want say for certain.
Q. You that not, in fact, after the census of 1896? A. Yes, sir.
Q. While the census roll was being revised by the committee there? A. Yes, sir; I think he did.
Q. Your brother was never admitted by any act of the national council or by the court? A. By a special act of the council authorizing the committee to revise the roll.
Q. Was there an act of the council admitting your brother like there was admitting you? A. No, sir.
Q. There was a general act of the council authorizing the census to be made. That is what you mean. A. Yes, sir; that is what I mean.
Q. No special act with reference to your brother? A. No, sir.
Q. Your brother was upon the roll of 1896? A. Yes, sir.
Q. That roll was never authenticated by the national council.
A. I don't know whether it was or not. I am not here to answer that question.

Examination by the Commission.

Q. Did your brother ever hold any official position with Cherokee nation? A. No, sir.

[illegible] being duly sworn, testified as follows:

Q. What is your [illegible] A. [illegible]

Q. How old are you? A. [illegible]

Q. You are the [illegible] of [illegible]

Answer: A. [illegible] Q. [illegible] A. Yes, sir.

Q. When were you [illegible]? A. [illegible] of November.

Q. What is your [illegible]? A. [illegible]

Q. What wife is a [illegible]? A. I am a white man.

Q. Well, and has never been prosecuted as a [illegible], has [illegible]

A. No, sir.

Q. You have never been prosecuted as a citizen of the United States? A. No, sir.

[illegible] being duly sworn, [illegible] correctly recorded the testimony and proceedings in said case and that the foregoing is a true and [illegible] transcript of the stenographic notes thereof.

[illegible] O. Lay

[illegible] and sworn to before me this [illegible] day of July, [illegible]

[illegible]

DEPARTMENT OF
COMMISSION TO THE FIVE
FILED
JUN 30 1992

EXECUTIVE DEPARTMENT,

CHEROKEE NATION:

TAHLEQUAH, INDIAN TER. SEPTEMBER 9TH, 1898.

This certifies that the following names appear on the census of Tahlequah District, in the nation, and added thereto by the Committee of the National Council, as citizens of said district, according to the act of the National Council, approved April 15th, 1898:

David C. Setser, age 34 years.
Annie M. Setser, " 7 years.
Jane E. Setser, " 5 years.
Maud C. Setser, " 3 years.
Ella M. Setser, " 8 months.

Attest:
Seal of the Cherokee Nation.

John L. Adair
Executive Secretary.

Cherokee R 434.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Setzer for the enrollment of herself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David P. and Lillie M. Setzer, as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 1, 1900, Sarah A. Setzer appeared before the Commission at Tahlequah, Indian Territory, and made personal application for the enrollment of herself, as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David P. and Lillie M. Setzer, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on December 19, 1900, and at Muskogee, Indian Territory, on January 31, 1902. On April 26, 1902, the Commission rendered a decision in the matter of said application and forwarded the same to the Secretary of the Interior for approval. On May 22, 1902, the record in the matter of said application was returned to the Commission for further proceedings; and on June 30, 1902, further proceedings in the matter of said application were had at Muskogee, Indian Territory.

The evidence shows that, on September 4, 1888, the said Sarah A. Setzer, a white woman, was married in the State of Tennessee to David C. Setzer, alleged to have been a citizen by blood of the Cherokee Nation, and, in 1892 or 1893, he removed with his wife to the Cherokee Nation. The minor applicants herein are the issue of such marriage.

The evidence further shows that the said David C. Setzer was born in North Carolina of parents who were not then citizens of the Cherokee Nation; and it appears that neither he nor his father were ever admitted to citizenship in the Cherokee Nation by the tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court on Appeal. An examination of the records of the Cherokee Nation, now in possession of the Commission, shows that Martha Setzer, mother of David C. Setzer, was readmitted to citizenship in the Cherokee Nation on July 30, 1888, by the tribal authorities of said nation; but it appears from the evidence that said David C. Setzer was then of full age.

It appears that David C. Setzer, Annah M. Setzer, Jane A. Setzer, Maud L. Setzer and Ella M. Setzer are identified upon the 1896 Strip payment roll of the Cherokee Nation, respectively, as follows: David C. Setzer, Anna M. Setzer, Jennie Setzer, Maud Setzer and Ella M. Setzer and that their names were added to said roll by the revising committee appointed under an act of the National Council of said nation, approved April 15, 1893. The applicants, David P. Setzer and Lillie M. Setzer, are too young to appear upon any of the tribal rolls but are identified by birth affidavits on file with the Commission.

It further appears that David F. Setzer died in August, 1897, and that, on November 20, 1901, the said Sarah A. Setzer was remarried to one Adam Frederick, a non-citizen, who is her present husband.

Section 360, of the 1892 Compiled Laws of the Cherokee Nation, provides as follows:

"Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, the opinion of this Commission that the names of Sarah A. Setzer, Annah M. Setzer, Jane A. Setzer, Maud L. Setzer and Ella M. Setzer are on said 1894 Strip payment roll without authority of law; and that the application for the enrollment of Sarah A. Setzer as a citizen by intermarriage of the Cherokee Nation and for the enrollment of Annah M. Setzer, Jane A. Setzer, Maud L. Setzer, Ella M. Setzer, David F. Setzer and Lillie E. Setzer, as citizens by blood of the Cherokee Nation, should be denied under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this OCT 1 1902

(Copy)

Cherokee R.[illegible]

Before the Hon. Ethan A. Hitchcock, Secretary of the Interior, Washington, D. C.

In the matter of the application of Sarah A. Setser, for the enrollment of herself and children as citizens of the Cherokee Nation, Indian Territory.

On appeal from a decision by the United States Commission to the five civilized tribes, sitting at Muskogee, Ind. Terry. under date of October 8th. 1902, denying the applicants the right to be enrolled as citizens of the Cherokee Nation.

It appearing that prior to the 28th. day of April 1902, the said Commission had this application before them, and on that day rendered a decision denying the right of all the applicants herein for enrollment, and submitted the files of the proceedings had therein, to the office of the Secretary of the Interior for review and final decision-and it also appearing, that under date of May the 22nd. 1902, the record in the case involving said application, was returned by the Secretary of the Interior, to said Commission, and for the reason and purpose, as by the Commission stated, viz:- " In order that the applicant might be given an " opportunity to show that her children are not on the Ten strip " payment rolls of 1896, by fraud or without authority of law."

That in compliance with a notice from said Commission, additional testimony on the part of the applicants was submitted before them on the 28th. day of June 1902, to the extent of corroborating and strengthening all former proof submitted on the part of applicants, by the fact of an original certificate signed by a duly authorized secretary of the Executive Department of the Cherokee Nation, and dated September 9th. 1896, and bearing the impress of the national seal of the Cherokee Nation, and which

clearly evidencing the legal regularity of the admission to Cherokee Indian citizenship of Sam David C. Sotar and his certain four children named therein, and it is contended by the applicant children herein, and as borne out and supported by uncontroverted proof, that from and after such said admission to Cherokee citizenship, David C. Sotar and his family resided continuously in the Cherokee Nation until his death, occurring about August 1889, and that his widow and children have continued to so reside to the present time; It is also in uncontroverted proof, that the applicants and the said husband and father, from and after such admission to Cherokee citizenship enjoyed full and unrestricted rights and privileges of such citizenship, and said children are not now restricted in any manner, but are in full and complete enjoyment of the same.

The applicant children contend that the herein referred to Act of the Cherokee National Council, was regular and legal and is binding upon the part of the Cherokee Nation, and therefore, by ' authority of law ' and no fraud having been shown, or even attempted to be proven by the Commission or on the part of the Cherokee Nation, in the matter of obtaining said Cherokee citizenship right, Wherefore, ask that the Interior office reverse the adverse finding of the Commission, and direct that said children be enrolled as citizens by blood of the Cherokee Nation.

Sarah A. Sotar having remarried since first filing her application herein, and to a white man, not an Indian, who having no Cherokee Indian citizenship rights, withdraws her application for enrollment as a citizen of the Cherokee Nation.

Respectfully submitted,

Attorney for Sarah A. Sotar, et.al.

Muskogee, Okla. Nov. September.1906.

20 R 434

IN RE

Application for Enrollment of

INFANT CHILD

David F. Setser
as a citizen of

Cherokee Nation.

Approved Dec 14 1900 190

(signed) T B Needles
Commissoner.

Department of the Interior
Commission to the Five Civilized
Tribes.

F I L E D

Dec 14 1900

Tams Bixby
Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Application for Enrollment, as a citizen of the CHEROKEE Nation,

of David F. Setser (Here insert name of child), born on the 22d day of July, 1896

Name of Father: David Setser a citizen of the Cherokee Nation.

Name of Mother: Sarah A. Setser a citizen of the Cherokee Nation.

Post-office Tahlequah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sarah A. Setser, of oath state that I am 32 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of David Setser, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or female) child was born to me on 22nd day of July 1896; that said child has been named David F. Setser, and is now living.

WITNESSES TO MARK:

(signed) Sarah A. Setser

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of December 1900

(SEAL)

(signed) S. S. Boyles
NOTARY PUBLIC.

Commission expires Sep 12 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Martha Setser, a midwife, on oath state that I attended on Mrs. Sarah A. Setser, wife of David Setser on the 22nd day of July 1896; that there was born to her on said date a male (MALE OR FEMALE) child; that said child is now living and is said to have been named David F. Setser.

WITNESSES TO MARK:

(Signed) Martha Setser

(Must be Two Witnesses.)

Subscribed and sworn to before me this 14th day of December 1900

(SEAL)

(signed) S. S. Boyles
NOTARY PUBLIC.

Commission expires Sep 12 1903

IN RE

Application for Enrollment of

INFANT CHILD

Lillie E. Setser

as a citizen of

Cherokee Nation.

Approved Dec 14 1900 190

(signed) T. B. Needles

Commissoner.

Department of the
Interior
Commission to the Five
Civilized Tribes

F I L E D

Dec 14 1900

Tams Bixby
Acting Chairman.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Lillie E. Setser (Here insert name of child), born on the 13th day of December, 1898

Name of Father: David Setser, a citizen of the Cherokee Nation.

Name of Mother: Martha A. Setser, a citizen of the Cherokee Nation.

Post-office Tahlequah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Sarah A. Setser, on oath state that I am 32 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of David Setser, who is a citizen, by blood, of the Cherokee Nation; that a Female (Male or female) child was born to me on 13th day of December 1898; that said child has been named Lillie E. Setser, and is now living.

WITNESSES TO MARK:

(signed) Sarah A. Setser

(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th day of December 1900

(SEAL)

(signed) S. S. Boyles
NOTARY PUBLIC.

Commission expires Sep 12 1903

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Israel Hill, a Physician, on oath state that I attended on Mrs. Sarah A. Setser, wife of David Setser on the 13th day of December 1898; that there was born to her on said date a Female (MALE OR FEMALE) child; that said child is now living and is said to have been named Lillie E. Setser.

WITNESSES TO MARK:

(signed) Israel Hill M.D.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th day of December 1900

(SEAL)

(signed) S. S. Boyles
NOTARY PUBLIC.

Commission expires Sep 12 1903

IN THE DEPARTMENT OF THE INTERIOR,

Washington, D. C.

---ooOoo---

In re)
Application of Sarah A. Setser et al :
for enrollment as citizens of the)
Cherokee Nation :

---ooOoo---

PROTEST OF THE CHEROKEE NATION.

Comes now the Cherokee Nation and most respectfully protests against the motion for review and re-hearing filed in the above case for the reason that the testimony in this case shows that the principal applicant, David C. Setser, was born in the State of North Carolina, was married in that state where some of his children were born, was never re-admitted to citizenship in the Cherokee Nation, but came to the Cherokee Nation in about the year 1893, with his wife and a number of children and we do not see upon what theory it can be contended that the applicants are entitled to be enrolled, in-as-much as it is shown that they were formerly citizens and residents of the State of North Carolina and not citizens of the Cherokee Nation; then how could they became citizens of the Cherokee Nation unless they had been admitted or re-admitted as such?

In the celebrated North Carolina case, (in the case of Eastern Band of Cherokees vs. the Cherokee Nation and the United States, 117 U.S. reports 288-312), it was decided that all persons claiming rights to citizenship in the Cherokee Nation must remove to the Cherokee Nation and be re-admitted as provided by the constitution and laws of the Cherokee Nation.

It is conceded that David C. Setser was born not a citizen of the Cherokee Nation but a citizen of North Carolina. It is conceded that he never was re-admitted to citizenship in the Cherokee Nation; it is conceded that he was married and had some children born to him before removing to the Cherokee Nation.

Then if he was not admitted to citizenship in the Cherokee Nation how did he become a citizen and upon what theory is he entitled to be enrolled?

We have oft-times argued before the Department of the Interior the unreliability of the 1894 pay roll; the Commission has from time to time reported to the Honorable Secretary of the Interior that this roll could not and should not be used as a guide and in numerous cases we have attached certified copies of the Cherokee National Council passed in 1894, (one of which is hereto attached), stating that the Cherokee Nation would not be bound by this roll and should not be prejudiced by the appearance of any name thereon. This roll was never authenticated, it was never legalized, because of the very great pressure of an early and immediate payment, which had been in anticipation for a number of years, which found the Cherokee people in very needy circumstances, the 1894 roll was made a pay roll, but in doing so the Cherokee National Council refused to authenticate it, refused to validateit, refused to recognize as citizens the names of parties appearing thereon, and therefore it is not evident that one was every recognized as a citizen of the Cherokee Nation because his name appeared thereon; but our contention is and always has been that if a name appears on that roll like that of David C. Setser, who was born in the state, who as the Supreme Court of the United States had previously said, before becoming a citizen of the Cherokee Nation must be re-admitted in accordance with the constitution and laws of the Cherokee Nation, that unless he had been so re-admitted his name appeared "without authority of law" and it is the duty of the Commission to the Five Civilized Tribes under the Curtis Bill to reject them, as the Commission very properly did in this case which was affirmed by the Honorable Secretary of the Interior.

We submit that this motion should be denied.

Respectfully submitted,

W W Martin Jr

Attorney for the Cherokee Nation

(8)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 23 1902

ACTING CHAIRMAN.

COPY. Cherokee R-434.

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser, Nila M. Setser, David F. Setser, and Lillie E. Setser as citizens of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application for the enrollment of the said persons as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

1 Encl. No. R-434.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 28 1902

ACTING CHAIRMAN.

Cherokee R-434

COPY.

Muskogee, Indian Territory, April 26, 1902.

Mrs. Sarah A. Setzer,

Tahlequah, Indian Territory.

Madam:

Enclosed herewith please find a copy of the Commission's decision rendered April 26, 1902, in the matter of your application for the enrollment of yourself and minor children Annah W. Setzer, Jane A. Setzer, Maude L. Setzer, Ella M. Setzer, David F. Setzer, and Lillie M. Setzer as citizens by blood of the Cherokee Nation.

The Commission hasen this day forwarded a copy of its decision, together with a copy of the record of the proceedings had in the matter of your application, to the Secretary of the Interior for his consideration and final decision.

The Secretary's final action will be duly communicated to you as soon as the same is made known to this Commission.

Very respectfully,

T. B. Needles.

(SIGNED). Commissioner in Charge.

Encl. R-22.
Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREERINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee 2-634

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of Commission's decision of date April 26, 1902, in the matter of the application of Sarah A. Setzer for the enrollment of herself as a citizen of the Cherokee Nation.

Very respectfully,

Commissioner in Charge.

Encl. 2-24.

Copy.

Refer in reply to the following:

Land. 25,920-1902.

Department of the Interior,
Office of Indian Affairs.
Washington, May 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, a report made on April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sarah A. Setser, for the enrollment of herself and her children Anna M. Janie A., Maudie L., Eller M., David L., and Lillie E.

The commission, on April 26, 1902, rejected the application because in the opinion of the commission the names of David C. Setser, and certain of his children, appeared on the 1894 roll without authority of law.

Mrs. Setser testifies that she was married to her husband in Tennessee where he lived a long time before the marriage, and that he "started to this country before the emigration give out and got as far as Sweet Water, Tennessee, and stayed thereuntil 1893, I believe it was".

The office is not entirely satisfied that the names of David C. Setser and certain of his children appear on the Cherokee roll without authority of law, and recommends that the commission be requested to reexamine this case and determine and report to the

Department why in its opinion it concludes that the names of David C. Setser and certain of his children appear upon the 1894 roll of the Cherokee Nation without authority of law.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W. C. V.)

P.

DC 8697-1902

COPY

30515

J. F.

F

Department of the Interior,

I. T. D. 3056-1902

Washington, May 22, 1902.

LRS

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

At the suggestion of the Acting Commissioner of Indian Affairs in his letter of May 10, 1902, copy enclosed, the record in the case involving the application of Sarah A. Setser for the enrollment of herself and six minor children as citizens of the Cherokee Nation, is herewith returned in order that you may definitely point out wherein the evidence shows that the names of David C. Setser, husband of the principal applicant, and certain of his children, appear on the 1894 Cherokee roll without authority of law, as you found in your decision rejecting the application, or, if necessary, that further evidence may be taken in the case.

Respectfully,

Thos. Ryan

Acting Secretary.

2 inclosures.

EMD

[illegible]

[illegible], Indian Territory, June 18, 1898.

William M. Darling,

[illegible], Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the return of the proceedings had in the matter of the application of David A. Colbert for the enrollment of himself and children as citizens of the Chickasaw Nation, together with a copy of the decision of the Commission rendered June 14, 1898, denying the application of David A. Colbert for the enrollment as citizens of the Chickasaw Nation.

You are hereby advised that under date of May 23, 1898, the Commission in the case involving said application was ordered by the Secretary of the Interior to the consideration of cases upon the docket that might be given an opportunity to show that her children are not on the Dawes Commission roll or have by deed or descent an interest in land.

You are further advised that the Commission will be ready to proceed before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on June 20, 1898, for the purpose above indicated.

Very respectfully,

[illegible]

Secretary.

Commissioner to Citizenship.

[illegible]

COPY

Muskogee, Indian Territory, October 8, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission has the honor to acknowledge receipt of Departmental letter, under date of May 22, 1908, (I. T. D. 5556-1908), remanding the record in the case involving the application of Sarah A. Setzer for the enrollment of herself and six minor children as citizens of the Cherokee Nation, in order that the Commission "may definitely point out wherein the evidence shows that the name of David C. Setzer, husband of the principal applicant, and certain of his children, appear on the 1896 Cherokee roll without authority of law, as you found in your decision rejecting the application, or, if necessary, that further evidence may be taken in the case."

It appears from the record in this case that the principal applicant, Sarah A. Setzer, is a white woman, who claims citizenship in the Cherokee Nation by virtue of her marriage to David C. Setzer, who, it is alleged, was a Cherokee by blood.

On June 20, 1902, further proceedings were had in the case, from which it appears that since the death of Setzer she has married a white man having no rights of Cherokee citizenship, and has three

forfeited her right to enrollment, if she ever possessed any, under Section 6d of the laws of the Cherokee Nation (Nation of 1892), which provides:

> "Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It is, therefore, not deemed necessary to further discuss the status of Sarah A. Setzer.

The other applicants herein are minors, being the issue of the marriage between David C. Setzer and Sarah A. Setzer. It does not appear that either they or their parents were ever admitted to citizenship in the Cherokee Nation by the tribal authorities of said Nation, the Commission to the Five Civilized Tribes, under the Act of Congress of June 28, 1898, or by the United States Court in Indian Territory on appeal.

Since the mother of the children applied for is a white woman, they must acquire their rights to enrollment, if they acquired any at all, through their father, hence, the material question to be considered is as to the citizenship of David C. Setzer.

As stated in the Commission's decision, he was born of parents who were not recognized citizens of the Cherokee Nation at his birth.

It does not appear that either the applicant or his parents are identified on the Cherokee roll of 1880, or on the list of North Carolina Cherokees who removed to the Cherokee Nation under the provisions of an act of the National Council, approved December 3, 1880. His mother, however, was admitted to citizenship in said Nation by the tribal authorities in 1888, but David C. Setzer was then of full age, and her admission conferred no rights upon him, as will be seen by reference to Section twenty-one of the Act of Congress, approved June 28, 1898:

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including Freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who heretofore have made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities and the were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The evidence in this case shows that David C. Setzer was born about the year 1861 in the State of Tennessee, and never resided in the Cherokee Nation prior to 1892 or 1893. He is identified on only the Cherokee Strip payment roll of 1894.

Under the state of facts existing at the time of his removal to the Cherokee Nation, it is apparent that he could only acquire citizenship by being regularly admitted by the tribal authorities, by the Commission to the Five Civilized Tribes, under the Act of June 10, 1896, or by the United States Court in Indian Territory on appeal.

No such admission is shown, and since Henry C. Setser never acquired rights of citizenship in the Cherokee Nation, his children, claiming through him, could acquire none, and the Commission is of the opinion that his name and the names of each of his children as appear on said roll of 1896 are there without authority of law.

This opinion seems to be justified by the decision of the Commission in the case of William E. Payne, et al., wherein the applicants were denied enrollment as citizens of the Cherokee Nation on May 20, 1902, and the decision approved by the Department September 10, 1902.

The Department in its letter of that date (E. T. D. 3481-1902), among other things, stated:

> "Payne's name appears upon the Dawes roll of 1896 and the Strip payment roll of 1894.
>
> It appears, as stated in your decision, that Payne was born in Kansas; that his parents at one time resided in the Cherokee Nation but removed to Kansas in 1878, and resided there until 1883 at which time they removed to the Cherokee Nation; that the father of the applicant, William E. Payne, applied for readmission to

the Cherokee Nation but the record does not show that he was ever readmitted, neither does the name of the applicant appear on such list of persons admitted and readmitted to citizenship in said Nation."

After quoting Section twenty-one of the Act of Congress, approved June 28, 1898, the letter continues:

"Referring to this law you hold that Payne is not entitled to enrollment, and that his name is on the roll of 1896 without authority of law; that his child, Flossie E. Payne, could acquire no rights not possessed by her parent.

The examination was made December 6, 1900, and in your field decision of that date you rejected the application for the reasons stated, of which action doubtless Payne was informed. A statement is attached to the case, made by Commissioner Breckinridge, that 'An examination of the printed list of persons admitted and readmitted to citizenship in the Cherokee Nation, which list was prepared by the Cherokee tribal authorities, and is now in the possession of this Commission, fails to disclose either the name of William P. Payne, Mary A. Payne or William E. Payne.

It does not appear that either of the parties here named were admitted to citizenship by the Commission to the Five Civilized Tribes, or by the United States Court on appeal therefrom.'"

The letter then concludes as follows:

"There can be no question that in 1893 neither Payne nor his father were recognized citizens of the Cherokee Nation and you properly conclude under the circumstances in this case, especially in view of the printed list referred to, that in the absence of evidence of admission to citizenship by the Cherokee Citizenship Commission or the Council of the Nation, or some other competent authority, although the claimant's name is on the Census roll of 1896, that he is not entitled to enrollment; that his name must have been placed on said roll without authority of law.

Entertaining these views, your decision is affirmed."

Additional testimony having been taken and a new decision prepared, the Commission respectfully recommends that the decision, which is transmitted herewith, be affirmed for the reasons stated therein.

Respectfully,

SIGNED. James E. Ryan
Acting Chairman.

SIGNED. T. B. Neelles.
Commissioner.

SIGNED. C. R. Breckinridge.
Commissioner.

Through the

Commissioner of Indian Affairs.

2 Enclosures.

COPY. Enrolled B 434.

Muskogee, Indian Territory, October 8, 1908.

Sarah A. Setzer,

Tahlequah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, of date October 5, 1908, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your six minor children, Annah M., Jane A., Rose E., Ella E., David F. and Lillie E. Setzer, as citizens by blood, of the Cherokee Nation.

There has heretofore been furnished your attorney, William F. Thomas, Tahlequah, Indian Territory, a copy of the record of proceedings had in your original application, and there has this day been forwarded to him a copy of your testimony of date June 30, 1908, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you on

Copy

- 2 -

Will the Commission be informed of the same.

Respectfully,

[illegible]

Encs. D. No. 2.

Register.

COPY

Cherokee B 434.

Muskogee, Indian Territory, October 2, 1906.

William T. Rennie,

Attorney for Sarah A. Setzer, et al.,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings, of date June 20, 1902, in the matter of the application of Sarah A. Setzer for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setzer, as citizens by blood, of the Cherokee Nation, together with a copy of the Commission's decision, rejecting said application.

You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as

and, as the Commission is informed by the Secretary,

Resolution,

Terms Entered
Acting Chairman.

Reg. C. No. 2.
Registrar.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R 434.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 8, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, of date October 8, 1902, rejecting the application of Sarah A. Setser for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood, of the Cherokee Nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. C. No. 3.

COPY.

Refer in reply to
the following:
Land
60368-1902.
68277-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Nov. 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

May 10 last, the office forwarded the record relative to the application of Sarah A. Setser for the enrollment of herself as a citizen of the Cherokee Nation by intermarriage, and for the enrollment of her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E., as citizens by blood of that Nation.

The Commission, in its decision of April 26, 1902, rejected the application, holding that the names of David C. Setser and certain of his children appeared on the 1894 Cherokee roll without authority of law. The office stated that it was not entirely satisfied that these names appeared on said roll without authority of law, and recommended that the Commission be requested tore-examine the case and report why in its opinion it concluded that said names appear on said roll without authority of law.

May 22, 1902 (ITD-3056), the Department concurred in this recommendation and returned the record in the case to the Commission.

The office is now in receipt of a report from the Commission dated October 8, 1902, returning the record in said case together with additional testimony taken June 30 last; also of Department letter of November 14, 1902,(ITD-5056), transmitting a brief and argument filed by William F. Rasmus, as attorney for the applicants.

Sarah A. Setser, the widow of David C. Setser, having married since the original testimony in the case was taken, a white man not entitled to any rights in the Cherokee Nation, her attorney withdraws her application for enrollment as a citizen of said nation by intermarriage, and therefore her application will not be considered by this office so far as it relates to the enrollment of herself.

Mrs. Setser testifies that she was married to her husband in Tennessee, where he lived for a considerable time prior to his marriage, and that they started "to this country before the emigration gave out and got as far as Sweetwater, Tennessee, and stayed there until 1893, I believe it was."

On April 15, 1893, the principal chief of the Cherokee Nation approved an act of the national council providing for the distribution "of the proceeds arising from the" sale of "their lands west of the ninety-sixth" meridian. This act authorized the principal chief to appoint a certain number of persons in each district as census takers provided "that before the said census rolls shall be completed and accepted they shall be passed upon by the National Council" in the manner prescribed in the act. The act declared that there should be appointed nine special committees composed of two members from the Senate and all of the members of the lower house from each district, whose duty it should be to examine the census rolls "and pass upon each and every name appearing" thereon. It authorized these committees to erase the name of any person appearing on said roll whom "they may know to be or have good and sufficient reason to believe to be a non-citizen and not entitled to appear upon such

census roll," and provdes that the names so erased "shall be stricken out with red ink and the word "non-citizen" entered in red ink in the margin of remarks opposite the name of such person, and such person so declared to be a non-citizen" shall be placed on the proper roll.

Among the papers is a certificate dated September 9, 1896, signed by John L. Adair, executive secretary of the Cherokee Nation, in which he certifies that the following names appear on the census roll of Tahlequah District, and that they were added therete by the Committee of the National Council of the Cherokee Nation, as citizens of said district, according to the Act of the National Council approved April 15, 1893:

David C. Setzer,	aged	34 years,
Annah M. Setzer,	"	7 years,
Jane A. Setzer,	"	5 years,
Maud C. Setzer,	"	3 years
Ella M. Setzer,	"	2 months.

Although the names are spelled in this certificate with a Z and with an S in the record, there seems to be no question that the four minor children first mentioned and the persons just above mentioned are identical. David F. and Lillie E. Setzer were born subsequent to the date of said certificate.

Martha Setzer, mother of David C. Setzer, the record shows, was readmitted to citizenship in the Cherokee Nation July 30, 1888, by the tribal authorities of the nation, but the record does not show that David C. Setzer or any of his four oldest children were admitted

to citizenship except by the National Council in accordance with the act of April 15, 1893.

The Commission, in its decision of October 8, 1902, held that these minor children are not entitled to enrollment, and that the names of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser and Ella M. Setser appear on the 1894 strip payment roll without authority of law, and denied the application of Sarah A. Setser as a citizen by intermarriage and all the minor children, including David F. and Lillie E., as citizens by blood.

As hereinbefore stated, it is unnecessary for this office to consider the case so far as it relates to Sarah A. Setser, her application having been withdrawn.

The Commission, in its report, invites attention to Department letter of May 10, 1902 (ITD-5241) in the case of William H. Payne, et al.

The office is unable to agree with the Commission's decision. Section 27 of the Cherokee agreement declares, with certain exceptions-- and these applicants do not come within the exceptions -- that the rolls shall be made in strict compliance with the provision of section 21 of the Curtis Act. That section confirms the 1880 roll of Cherokee citizens, not including freedmen, and directs the Commission to enroll all persons now living whose names appear thereon and their descendants born since the date the roll was made, and directs that they shall investigate the right of all persons whose names are found on any other roll and omitted, such "as may have been placed thereon by fraud or without authority of law."

The Commission gives no specific reason as to why it reaches the conclusion that part of these names are on the 1894 roll without authority of law, but seems to rely upon the Department's holding in the Payne case in support of its position. It appears to the office that David C. Setser and his four oldest children were duly recognized as citizens of the Cherokee Nation and enrolled as such by the National Council of that nation. This being true, the office cannot understand how the Commission can reach the conclusion that their names were placed on said roll without authority of law. They, with others, were enrolled by persons appointed under the provisions of the Act of April 15, 1893. The roll was submitted to and passed upon by the committees of the National Council, and it would seem therefore, that the action of the National Council in enrolling these parties was legal and within its authority.

There it is the opinion of this office that Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setset are entitled to enrollment as citizens by blood of the Cherokee Nation, and it respectfully recommends that the decision of the Commission be not approved, but that the Commission be directed to enroll said applicants.

Very respectfully,

W. A. Jones,

Commissioner.

GAW
D

incls.

D.C.24066. J.P.

DEPARTMENT OF THE INTERIOR. FEM.

I.T.D.7381,6684-1902. Washington, December 5, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 22, 1902, the Department remanded the case involving the application of Sarah A. Setser for the enrollment of herself and her six minor children, as citizens of the Cherokee Nation.

On October 8, 1902, you reported that further proceedings were had in the case June 30, 1902.

It appears that Sarah A. Setser is a white woman; that she claimed citizenship in the Cherokee Nation by virtue of her marriage to David C. Setser, an alleged Cherokee by blood; that in November, 1902, Setser having died in 1899, she married a white man having no rights of Cherokee citizenship. She has therefore, under section 666 of the Compiled Laws of the Cherokee Nation, lost her right of enrollment, if she ever possessed any. The other applicants, Annah M. Setser, Jane A., Maud L., Ella M., David F., and Lillie E. Setser, are the children of said David C. Setser and Sarah A. Setser. You found in your decision of October 8, 1902, that in 1886 Sarah A. Setser was married in Tennessee to David C. Setser, and in 1892 or 1893 they removed to the Cherokee Nation; that David C. Setser was born in North Carolina, of parents who were not then citizens of the Cherokee Nation; that neither he nor his father were ever admitted to citizenship in the said nation by the tribal authorities, by year

Commission or by the United States court on appeal; that Martha Setser, mother of said David C. Setser, was readmitted to citizenship in the Cherokee nation on July 30, 1888, by the tribal authorities of said nation, but it appears from the evidence that said David C. Setser was then of full age. It appears that David C. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser, and Ella M. Setser are identified on the 1894 strip payment roll of the Cherokee Nation respectively as follows: David C. Setser, Anna M. Setser, Janie Setser, Maud Setser and Ella M. Setser, and that their names were added to said roll by the revising committee appointed under an act of the National Council of said Nation, approved April 15, 1893; that the applicants David F. Setser and Lillie E. Setser, are too young to appear upon any of the tribal rolls, but are identified by birth affidavits on file with your Commission.

You rejected the applications, holding that the names of Sarah A. Setser, Annah M. Setser, Jane A. Setser, Maud L. Setser and Ella M. Setser are on said 1894 strip payment roll without authority of law, and that the application for the enrollment of Sarah A. Setser as a citizen by intermarriage, and for the enrollment of the other applicants as citizens by blood of the Cherokee Nation, should be denied, under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495).

Reference is made in your communication of October 8, 1902, to that portion of the act of June 28, 1898 which provides

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only

roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

You state that under the state of facts existing at the time of Setzer's removal to the Cherokee Nation, it is apparent that he could only acquire citizenship by being regularly admitted by the tribal authorities, by your Commission under the act of June 10, 1896, or by the United States court in the Indian Territory; that no such admission is shown, and since David C. Setzer never acquired rights of citizenship in the Cherokee Nation, his children, claiming through him, could acquire none, and you are of the opinion that his name and the names of such of his children as appear on said roll of 1894, are there without authority of law; that your opinion seems to be justified by the decision of the Department in the case of William H. Payne, et al., of September 10, 1902, from which you quote

Reporting in the matter November 29, 1902, the Commissioner of Indian Affairs recommends that your decision be not concurred in. He states that on April 15, 1893, the Principal Chief of the Cherokee Nation approved an act of the National Council of the Nation, providing for the distribution "of the proceeds arising from the " sale of "their lands west of the 96th" meridian, known as "strip land;" (a copy of the Cherokee act is found in the record) that this act

authorized the Principal Chief to appoint a certain number of persons in each district, as census takers, and provided "that before the said census rolls shall be completed and accepted they shall be passed upon by the National Council," in the manner prescribed in the act; that the act declared that there should be appointed nine special committees composed of two members from the Senate and all of the members of the lower house from each district, whose duty it should be to examine the census rolls and pass upon each and every name appearing thereon; that among the papers is found a certificate dated September 9, 1896, signed by John L. Adair, executive secretary of the Cherokee Nation, in which he certified that the following names appear upon the census roll of Tahlequah District, and that they were added thereto by the committee of the National Council of the Cherokee Nation, as citizens of said district, according to the act of the National Council of April 18, 1896:

David G. Setzer, aged 34 years,
Annie M. Setzer, " 7 years,
Jane A. Setzer, " 5 years,
Maud C. Setzer, " 3 years,
Ella M. Setzer, " 2 months.

He states that you gave no specific reason as to why you reached the conclusion that these names weren the 1896 roll without authority of law, but seemed to rely upon the Department's holding in the Payne case; that it appears to him that David G. Setzer and his four oldest children were duly recognized as citizens of the Cherokee Nation "and enrolled as such by the National Council of

that nation," in accordance with the Cherokee act of April 15, 1893; that he cannot understand how you reached the conclusion that their names were placed on said roll without authority of law; that this roll was submitted to and passed upon by the committees of the national Council and it would seem therefore, that the action of the national Council in enrolling these parties was legal and within its authority."

The Department concurs in your view of the matter.

It appears in a statement made by Commissioner Breckinridge January 20, 1908, that the printed list of "North Carolina Cherokees" as well as the printed list of persons admitted and readmitted to citizenship by the Cherokee authorities, which list was prepared by the tribal authorities of the Cherokee Nation and is in the possession of your Commission, have been examined for the name of David C. or D. C. Setzer, and that it cannot be found thereon.

At the time the names of the persons appearing on the census roll of 1894 were placed thereon by the census takers provided for by the Cherokee law of 1893, there was no commission or tribunal of the Cherokee Nation authorized to pass upon citizenship cases. All persons admitted to citizenship in said Nation at that time were admitted by act of the Cherokee council. In placing the names of David C. setzer and certain of those applicants on the roll, the census taker acted without jurisdiction. The act of April 15, 1893, did not pretend to be for any other purpose than for making a roll of legally recognized citizens, and though it stated that the census rolls therein provided for

"After they have been fully examined and the necessary corrections shall have been made as hereinbefore provided, shall be signed in approval by the respective committees and accepted by the National Council and shall be deemed and taken as the authenticated census rolls of the Cherokee Nation,"

no action by the census taker or the respective committees, in connection with such roll, could make a citizen of any one placed on such roll without authority of law. It is asserted by the attorney for the Cherokee nation, in the case of Austin Hicks, et al., (D 1247), that the National Council of the Nation refused to authenticate the 1894 pay roll; that in fact, the roll was repudiated; that your Commission has taken occasion numerous times to comment upon the unreliability of this roll. The Department concurs in your opinion that the names of Anna M. Setzer, Janie Setzer, Maud Setzer and Ella M. Setzer were placed on the 1894 strip payment roll without such authority. Your decision is therefore hereby affirmed. A copy of the Commissioner's letter is inclosed.

Argument by the attorney for the parties has been considered.

In any doubtful case hereafter arising, involving rights claimed under said census roll of 1894, it is requested that you inform the Department whether the Cherokee Council refused to authenticate it or repudiated it as alleged.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY

Cherokee R 634.

Muskogee, Indian Territory, December 20, 1902.

Sarah A. Setser,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the Commissioner's decision, dated October 8, 1902, rejecting your application for the enrollment of yourself as a citizen by intermarriage, and for the enrollment of your six minor children, Annie M., Jane A., Maud L., Ella M., David P. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 8, 1902.

Respectfully,

Tams Bixby,

Acting Chairman.

COPY

Cherokee 2 154.

Muskogee, Indian Territory, December 20, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated October 6, 1906, rejecting the application of Sarah A. Setzer for the enrollment of herself as a citizen by intermarriage, and for the enrollment of her six minor children, Annie E., Jane A., Maud L., Ella E., David F. and Lillie M. Setzer, as citizens by blood, of the Cherokee Nation, was affirmed by the Secretary of the Interior on December 5, 1906.

Respectfully,

Tams Bixby

Acting Chairman.

D.C. 6653-1903

I.P.

DEPARTMENT OF THE INTERIOR.

THE

WASHINGTON.

I.T.D. 2667-1903
7351-1902

March 23, 1903.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 12, 1903, the attorneys for Sarah A. Setzer et al., requested that the case involving her application et al., for enrollment as citizens of the Cherokee Nation be reopened and reviewed, and, pending a final decision, that you be directed to withhold from allotment the lands embracing the improvements of the applicants, as, it was alleged, some of the points of law involved in the case of Setzer et al., have "we are informed, been referred to the United States Court of Claims for an opinion, " and other points areinvolved in the case of Joseph D. Yeargain, et al.

The Assistant Attorney General on March 16, 1903, rendered an opinion in the Yeargain case, approved by the Department. The Department does not find anything in such opinion bearing materially upon the Setzer case; nor is it

understood that the matter submitted to the Court of Claims affects such applicants. It is therefore deemed advisable to reopen the case, and the application is accordingly refused.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

Cherokee R-456

Muskogee, Indian Territory, April 4, 1906.

Sarah A. Tolmer,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby notified that the action heretofore made before the Secretary of the Interior to reopen your application for the enrollment of yourself and children as citizens of the Cherokee Nation was denied by the Department on March 26, 1906.

Respectfully,

Chairman.

[illegible]

Commissioner
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge,
Clifton R. Wharton,
Assistant Commissioner,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING
Cherokee 2-434

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 4, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby notified that the motion heretofore made before the Secretary of the Interior to reopen the application of Sarah A. Setser for the enrollment of herself and children as citizens of the Cherokee Nation was denied by the Department on March 23, 1903.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

CRB

[illegible]
[illegible]

MARSHALL & WHITE,
Attorneys at Law,
[illegible]
Washington, D. C.

November 25, 1905.

W. W. Hastings, Esq.,

Muscogee, Ind. Ter.

Dear Sir:

Enclosed please find carbon copy of motion for review and rehearing in re application of Sarah A. Soiser, et al., for enrollment as citizens of the Cherokee Nation.

Very respectfully,

Marshall & White

1 Enc.

COPY

Refer in reply to the following:
Land. 72,042-1902.
74,405-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Dec. 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 23, 1903 -- I.T.D. 7352 and 6684 -- sustaining the decision of the Commission to the Five Civilized Tribes adverse to the applicants in the matter of the application of Sarah A. Setzer, et al., for enrollment as citizens of the Cherokee Nation, there is inclosed herewith a communication, dated November 23, 1903, from Kimball and White, of this city, filing a motion for review and rehearing on behalf of all the applicants to this case, except Sarah A. Setzer, which, they state, is not asked for at this time.

Sarah A. Setzer applied for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her minor children, Annah M. Jane A., Maude L., Ella M., David F., and Lillie F., as citizens by blood.

April 28, 1903, the commission rejected these applicants holding that the names of David C. Setzer and certain of his minor children appear on the 1894 Cherokee roll without authority of law.

The record in this case shows that David C., Annah M., Jane A., Maude L., and Ella M. Setzer are identified by the census roll of the Tahlequah district and that their names were added thereto by a committee of the National Council in accordance with the Act

approved April 15, 1893, David F. and Lillie F. Setzer were born subsequent to the date the names of the other parties to the application were placed upon the roll mentioned. Martha Setzer, the mother of of David C. Setzer was readmitted to citizenship in the Cherokee Nation July 30, 1896. The record does not show that David C. Setzer or any of his four eldest children were admitted to citizenship except by the National Council in accordance with the Act of April 15, 1893.

The office report of November 23, 1906, the opinion was expressed that these minor applicants were entitled to enrollment. The names of the four on the census roll of the Cherokee Nation were placed there by virtue of the act of April 15, 1893. The name of their father, David C. Setzer, deceased, also appears on this roll.

Under the Department's holding in the Yeargain and Martha Hill cases it seems to the office that the motion for review and rehearing should be allowed.

Very respectfully,

W.A.Jones,

Commissioner.

(E.A.W.)P.

R.S.96, 1513.

I.T.D. 5625-1903.

JP. THE. LEE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to departmental decisions of December 5, 1902, and March 23, 1903, in the case involving the application of Sarah A. Setzer for the enrollment of herself as an intermarried citizen of the Cherokee Nation, and for the enrollment of her six minor children, Annah M., Jane A., Maud L., Ella M., David F., and Lillie E. Setzer, as citizens by blood of said Nation, you are advised that with the Commissioner of Indian Affair's letter of December 5, 1903, a motion for review by the applicants was received.

It appears that in 1866 Sarah A. Setzer was married in Tennessee to David C. Setzer, and that in 1886 they moved to the Cherokee Nation; that David C. Setzer was born in North Carolina, of parents who were not citizens of the Cherokee Nation; that his mother was however, readmitted to citizenship in the Cherokee Nation in 1880, but at that time David C. Setzer was of age. He died in 1899. His name and that of said children except David F. and Lillie E. Setzer, are found on the 1894 strip payment roll. David F. and Lillie E. Setzer are too young to appear upon any tribal roll.

In view of the decision of the Department of November 12, 1903, in the case of Owen Caldwell, which followed the decision of the Department of June 10, 1903, prepared in the office of the Assistant Attorney General, in the Martha Hill case, said decisions of December 5, 1902, and March 23, 1903, are rescinded, and your decision, adverse to the applicants, is hereby reversed, except as to

Sarah A. Potter, who claims by intermarriage to her, a decision will not be rendered at this time in view of the remandment to the Court of Claims on February 24, 1908, of the question involving the rights of intermarried persons in the Cherokee Nation.

A copy of the Commissioner's letter of December 5, 1908, in which he recommends that the motion under consideration be granted, is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 Inclosure.

Cherokee R-434.

Tahlequah, Indian Territory, January 21, 1904.

Sarah A. Setzer,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that on January 8, the Secretary of the Interior rescinded his decision of December 5, 1902, and March 23, 1903, in the matter of your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, and your minor children, Annah M., Jane L., Maud L., Ella M., David R. and Lillie M. Setzer, as citizens by blood of the Cherokee Nation, and ordered your children enrolled as citizens of the Cherokee Nation.

No decision was rendered in the matter of your application for enrollment as a citizen by intermarriage in view of the submission to the Court of Claims on February 24, 1903, of the question involving the rights to enrollment of intermarried persons in the Cherokee Nation.

Respectfully,

MP

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-434.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah, Indian Territory, January 21, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:-

You are hereby advised that on January 8, the Secretary of the Interior rescinded his decision of December 5, 1902, and March 23, 1903, in the matter of the application of Sarah A. Setser, for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation, and her minor children, Annah M., Jane A., Maud L., Ella M., David F. and Lillie E. Setser, as citizens by blood of the Cherokee Nation, and ordered her children enrolled as citizens of the Cherokee Nation.

No decision was rendered in the matter of the application of Sarah A. Setser, for enrollment as a citizen by intermarriage, in view of the submission to the Court of Claims on February 24, 1903, of the question involving the rights to enrollment of intermarried persons in the Cherokee Nation.

Respectfully,

Commissioner in Charge.

EP

J. H. H.

DEPARTMENT OF THE INTERIOR, FEB
WASHINGTON.

I.T.D. 8880-1903.
978-1904.

February 6, 1904.

L. DS.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Sir:

The Department is in receipt of your letter of January 6, 1904, inclosing a brief on behalf of the Cherokee Nation, in reply to that of Kimball & White, in support of their motion for review of departmental decisions of December 5, 1902, and March 23, 1903, in the Cherokee enrollment case of Sarah A. Setser, et al.

You are advised that on January 8, 1904, the Department rendered a decision in said case, rescinding its decisions of December 5, 1902, and March 23, 1903, directing the Commission to the Five Civilized Tribes to enroll all the applicants except Sarah A. Setser as citizens by blood of the Cherokee Nation. As she claims enrollment by intermarriage, action will be postponed in her case until a decision is rendered by the Court of Claims relative to the rights of intermarried Cherokees.

Respectfully,

Thos Ryan

Acting Secretary.

Cherokee R-484

Tahlequah, Indian Territory, June 11, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

UYou are requested to furnish this office with a complete copy of the original Cherokee enrollment card of Sarah A. Setner, et al, Cherokee R-484. The copy of that card in the possession of this office does not seem to be complete and a verified copy of the said card is desired to be filed with the records of this office.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

XXX

D.S. 50112 - 1906. (COPY) T.R.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I.T.D. 1356-1906.
8669-1905.

November 28, 1906.

E.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to the decision of the Department of January 5, 1904, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Sarah A. Setzer as a citizen of that nation by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the application for the enrolment of Sarah A. Setzer is denied.

The papers in the case have been sent to the Indian Office. It will notify the attorney for Sarah A. Setzer hereof.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

10 inc. to Ind. Of.

Cherokee
R-434.

Muskogee, Indian Territory, December 7, 1906.

Sarah A. Setner,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated October 2, 1906, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 23, 1906.

For your information, a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Encl.R-36
FMM

Acting Commissioner.

Refer in reply to the following:
Cherokee
R-454

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated October 8, 1902, rejecting the application of Sarah A. Setser for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall
Acting Commissioner.

Encl.H-57
JMH

Check

Lacm K435

Applicant [illegible]

[illegible] OF THE INTERIOR
[illegible] TO THE [illegible] ENROLLED [illegible]
TAHLEQUAH, I.T., [illegible] 1st, 1902.

In the matter of the application of James O. Epperson for the enrollment of himself and child as citizens of the Cherokee nation; said Epperson being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James O. Epperson.
Q What is your age, Mr. Epperson? A 28.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah district.
Q Are you a recognized citizen of the Cherokee nation? A Yes, sir, by adoption.
Q When do you expect to enroll? A Myself and my baby.
Q Have you any certificate of marriage? A Yes, sir.

Com'r.--Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Miss Mattie Wood, a Cherokee citizen by blood, on the 9th day of January, 1896.

Q Is your wife living? A No, sir.
Q Have you any children? A Not one.
Q What is its name? A Mary Hall.
Q Three years old? A Yes, sir.

Applicant: She was not old enough when the 1896 roll was taken. She is on the 1896 roll.

Q How old is she? A 30 years old.
Q What is her father's name? A John W.
Q Is he living? A No, sir.
Q What is the name of her mother? A Susan.
Q Is she living? A Yes, sir.

1880 Roll, page 525, Fred, John Wood, Tahlequah.
1880 Roll, page 525, Sydney, Susan Wood, Tahlequah.
1896 Roll, page [illegible], [illegible], James O. Epperson, Tahlequah.
1896 Roll, page [illegible], [illegible], Mattie Epperson, Tahlequah.

Q Is this child alive and living with you at this time? A Yes, sir.

Com'r Needles.--James O. Epperson applies for the enrollment of himself and his child, and makes satisfactory proof of his marriage to Ord Mattie W. Wood according to the laws of the Cherokee Nation; she being a Cherokee citizen by blood, now deceased. She is identified as the child of John and Susan Wood, whose names appear upon the authenticated roll of 1880. Her name appears upon the census roll of 1896 as Mattie Epperson. He avers the result of said marriage is one child, Mary E., three years and presents satisfactory proof of its birth. She being identified, consequently the said Mary E. Epperson will be duly listed for enrollment as a Cherokee citizen by blood, and the application for the enrollment of James O. Epperson will be denied, he having married the intermarried citizen of the Cherokee nation to receive any benefits as a citizen of the Cherokee nation.

---oo0oo---

J. O. Epperson, being first duly sworn, states that he stands ready to the foregoing in the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case; and that the foregoing is a true and complete transcript of his stenographic notes thereon.

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

[illegible]

R435 B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1 1900

ACTING CHAIRMAN

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC -1 1900 1900.

Name Tahlequah I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name James O. E. Spencer

District TAHLEQUAH. Year 1896 Page 1279 No. 68

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Official Number
No Card

FILED
APR 14 1902

COMMISSIONER OF PATENTS

ACTING CHAIR

MARRIAGE LICENSE. R-458

CHEROKEE NATION, Tahlequah District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. James Epperson, a citizen of the United States, and Miss Mattie Woods, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the Eight day of January 1896.

Thos. W. Triplet,
Clerk Tahlequah District
By Arch Spears,
Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
Indian Territory, } ss.
Northern District.

I, Harvey W. G. Shelton, Deputy Clerk of the District Court of the United States for the Northern District of the Indian Territory, DO HEREBY CERTIFY, that on the 9th day of January, A. D. 1896, I did duly and according to law, as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named, viz: James Epperson and Mattie Woods.

Witness my hand at Tahlequah, in the District and Territory aforesaid, on this 22nd day of January, A. D. 1896.

Harvey W. G. Shelton.
Deputy Clerk as above.

I hereby certify that I have this day recorded the above certificate of marriage in the Record of Marriages in the office of Clerk of Tahlequah District, C. N. this January 22nd 1896,

Arch Spears.
Deputy Clerk, Tahlequah, District C.N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1908.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of James O. Epperson, as citizen of the Cherokee Nation.

Commissioner.

LD R435

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED.
JAN 30 1902
ACTING CHAIRMAN.

Muskogee, Indian Territory, January 22, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of James S. Epperson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and thirty-five, it is entitled James S. Epperson, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. 0-458.

Cherokee No. [illegible]

Muskogee, Indian Territory,

January [illegible], 1902.

Mr. James C. [illegible]

Tahlequah, Indian Territory.

Sir:-

On the first day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, section 669 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 9th day of January, 1894, to Mattie Wood, a citizen by blood of the Cherokee Nation. You are identified on the Cherokee Census Roll of 1896, but your said marriage to Mattie Wood

E R.N.P.T.

DEPOSIT
COMMISSION
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JAN 30 1 2

was contracted after the enactment of the Cherokee law of December 16, 1898, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY ~~(Signed) Tams Bixby,~~
Acting Chairman.

Enclosure.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7872-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1893, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 629 to Sec. 633, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (as) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or p rts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

SAW
J

273 inclosures.

Department of the Interior,

[illegible]

[illegible]

[illegible]

Commission to the Five Civilized Tribes,

Muskogee, I. T.,

[illegible]

Your letter of January 28, 1902, reporting the condition of James O. Spurlock, enrolled as [illegible], for enrollment as a citizen by intermarriage, is acknowledged with receipt of the enrollment of even date in the case of the [illegible], [illegible] number [illegible].

Respectfully,

[illegible],

Acting Secretary.

(C) 1 C P (C) 2 2 1 M 2 4 (C)

Cherokee 2 420.

Muskogee, Indian Territory, March 14, 1906.

James G. Epperson,

Tahlequah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 26, 1906, rejecting your application for enrollment as a citizen of the Cherokee Indian was affirmed by the Secretary of the Interior under date of February 26, 1906.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

THE DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-432.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 22, 1902 rejecting the application of Jesse O. Bowman, Cherokee No. R.432, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 24th day of February 1902.

Very respectfully,

C. R. Breckinridge

Commissioner in charge.

[redacted]

[redacted]

Mr. David R. [redacted],

Pittsburgh, Indian Territory,

Dear Sir:

Upon you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 5th day of January, 1896, to Ella Mayes Boyd.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Very truly,

[redacted]

Enl.-[redacted]

Applicant [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., [illegible] 1st, 1906.

In the matter of the application of Callie Painter for the enrollment of herself and children as citizens of the Cherokee Nation; said Painter being sworn and examined by Commissioner Kretzer, testified as follows:

Q What is your name? A Callie Painter.
Q How old are you? A 38.
Q What is your post office address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Whom do you desire to enroll? A My children.
Q What are the names of your children? A Alice Virginia Conrad.
Q How old is she? A 12.
Q What is the name of the next child? A Myrtle May.
Q How old is Myrtle May? A She is eight.
Q What is the name of the father of these children? A Thomas Fox Conrad.
Q Is he a citizen by blood? A Yes, sir.
Q Are you the mother? A Yes, sir.
Q You are a non-citizen? A I am a citizen but never got my right proved up.
Q Have you got any proof of marriage with Mr. Conrad? A Yes, sir, I have at home.
1896 Roll; page 1150, #962, Alice V. Conrad, Tahlequah.
1896 Roll; page 1151, #963, Myrtle M. Conrad, Tahlequah.
Q Is your husband's name on the roll of 1880? A Yes, sir.
Q How old would your husband be if he were alive to-day? A About 40.
Q Where did you marry him? A In California.
Q When did you come from California? A 15 years ago this month.
Q Was he ever admitted to citizenship? A Yes, sir.
Q Have you his proof of it? A Yes, sir.
Q Have you got any proof of it with you? (She has not.)
1896 Roll; page 1150, #960, Thomas F. Conrad, Tahlequah.
1896 Roll; page 1277, #48, Callie Conrad, Tahlequah.
Q Have you married since the death of Thomas F. Conrad? A Yes, sir.
Q What is your husband's name? A George Painter.
Q Is he a citizen or white man? A White man.
Q Non-citizen? A Yes, sir.
Q You are a white woman; you are not Cherokee by blood? A I am but never proved up.
Q You are not a recognized citizen? A No, sir.
Q You have been living in the Cherokee Nation ever since 1880? A Yes, sir.
Q Where were these children born, Alice V. and Myrtle M.? A One of them was born there at Chateau and the other down on Spring Creek.
Q In the Cherokee nation? A Yes, sir.
Q You have got a certificate of marriage have you to your husband? A Yes, sir.

Com'r Needles:—The name of Callie Painter appears upon the census roll of 1896. She applies for the enrollment of her children, Alice C. and Myrtle M. Conrad. She avers that she was married to one Thomas F. Conrad, a Cherokee citizen by blood, but presents no proof of marriage. The name of Thomas F. Conrad is found in the records of the Cherokee Nation as having been readmitted on December 1st, 1886, he now being deceased. She avers that she has remarried one George Painter, a non-citizen. The names of Alice V. Conrad and Myrtle M. Conrad are found upon the census roll of 1896. By reason of the marriage of the said Callie Painter, she being

Callie Painter--R.

Originally a non-citizen, under the name of her husband, Thomas F. Conrad, she was a citizen, as Callie Painter, a non-citizen, her application for the enrollment of herself in Kansas, she having married out, under the laws of the Cherokee Nation; and from the further fact that she married the said Thomas F. Conrad before he was admitted under the laws of the Cherokee Nation, consequently she never did become a citizen of the Cherokee Nation. The names of the children, Allen F. and Myrtle M. are found upon the census roll of 1896 and are fully identified as the children of Thomas F. Conrad by said Callie Painter, his wife. They will be duly listed for enrollment as Cherokee citizens by blood, upon the filing with this Commission satisfactory proof of marriage as between Thomas F. Conrad, their father, and said Callie Painter.

---oooOOOooo---

J. S. Rennie, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. S. Rennie

Subscribed and sworn to before me this 24 day of December, 1906.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 1 1900

ACTING CHAIRMAN.

Statement of [illegible] Name Under Dawes

CHEROKEES BY BLOOD AND ADOPTION.

Date: DEC - 1 1909

Name: Tahlequah 73

District: Year: Page: No.:

Citizen by blood: Mother's citizenship:

Intermarried citizen:

Married under what law: Date of marriage:

License: Certificate:

Wife's name: Callie Painter

District: TAHLEQUAH. Year: 1896 Page: 1277 No.: 48

Citizen by blood: no Mother's citizenship:

Intermarried citizen: yes

Married under what law: Date of marriage:

License: Certificate:

Number of Children:

Rejected - married out

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

on 1896 roll as Callie Conrad

P

P 1136

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

SIR:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ollie Painter, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R.[illegible], it is entitled Ollie Painter, and is known as a Cherokee rejected application.

Respectfully,

signed: T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Enl. C.R.[illegible]

COMMISSIONERS
MERIDY L. BROOK,
TAMS BIXBY,
THOMAS B. RAMSEY,
C. R. BREEDLOVE.

ALLISON L. ALDERDICE,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 456.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mrs. Callie Painter,

Tahlequah, Indian Territory.

Madam:

On the 1st day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you claim to have been married to Thomas F. Conrad, who appears to have been a citizen by blood of the Cherokee Nation. The evidence does not disclose the date of this marriage, but as you say you were married in California and came from there 15 years ago, it would appear that your marriage was prior to that time. You further testify that the said Thomas F. Conrad is dead and that since his death you have married George Painter, a white man. It further appears that you are identified upon the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Con-

grees, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 338 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 664 Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

Assuming that you were legally married to the said Thomas F. Conrad, a citizen by blood of the Cherokee Nation; then under the foregoing provisions of the Cherokee law it is considered that by your marriage to George Painter, a white man, since the death of your Cherokee husband, you have forfeited all such rights as you may have acquired by your former marriage, and you are not embraced in that class of citizens described in the Act of Congress herein

quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles,

Inclosure.

By (Signed) [redacted]

Register.

[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Kindly enter in the Commission to the Five Civilized Tribes and return the Commission's attorney the petition of Lessie Painter for enrollment as citizen of the Cherokee Nation.

Lessie Painter

Cherokee No. R436

Attorney for Cherokee Nation

COPY.

J.P.

DEPARTMENT OF THE INTERIOR,

Washington,

D.

K.T.B.1890-1902.

March 31, 1902.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Referring to departmental letter of March 24, 1902, relating the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Caldie Painter, a Creek, is rejected, as held by your decision of February 11, 1902, because she forfeited her right to enrollment by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation.

Respectfully,

Thos Ryan

Acting Secretary.

H.D.

[illegible]

168	George H. Warren	269	William R. Bruce
174	George W. Gibbons	240	Frank Gardner
244	John Hall	253	John F. Rice
274	Enoch T. Parsons	262	Richard E. Cunnington
322	Lambert L. Wyshcak	270	Ben Hall
372	Elizabeth Hall	296	William E. Wallace, Jr.
524	Silas T. Hall	297	Dorcasia Youngblood
528	Sarah Bynum	423	Joseph A. Prather
576	Henry C. Hamilton	438	Mary A. Jones
588	John T. Stevenson	450	Frank H. Harrison
469	Samuel W. Carpenter	479	Willie Hogg
488	Ed Bynum	548	William J. Rossella
541	Samuel H. Simpson	550	Mary E. Armstrong
577	Delilah Lashley		

Section 23 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 23. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of citizens of Choctaw and Chickasaw descent, not including freedmen, as the only roll intended to be contemplated by this and preceding Acts of Congress, and to enroll all persons and living whose names may be found on said roll, and all descendants born since the date of the base roll to persons whose names are found thereon and all persons born prior to the date fixed by the tribal authorities who have heretofore been enrolled by the Commission in the Choctaw and Chickasaw Nations as entitled to share in the distribution of tribal property, and to enroll as Choctaws and Chickasaws all persons who have been so admitted and who have died since the date of their enrollment, and all persons whose names are found on the roll of persons who have been duly admitted by the tribal authorities and who have died since the date fixed by the tribal authorities for the closing of the tribal rolls, and to enroll as Choctaws and Chickasaws all persons who have been so admitted and who have died since the date of their enrollment, and all persons whose names are found on the roll of persons who have been duly admitted by the tribal authorities and who have died since the date fixed by the tribal authorities for the closing of the tribal rolls, and to enroll as Choctaws and Chickasaws

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

The Acting Commissioner of Indian Affairs March 22, 1898, transmitting the case with others, recommend that your decision be confirmed in:

The claimant, as held by you, by virtue of the Cherokee law, forfeited her rights to enrollment as a Cherokee citizen by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

3 inclosures.

RECEIVED

COMMISSIONERS
WILLIAM L. CHAPMAN
TALLY TIBBY
THOMAS P. RIDDLE
C. R. BARRINGER
CHARLES L. STANDLEY,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-656.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 10, 1908.

W. W. Hastings, Esq.,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting the application of Sallie Painter, Cherokee No. B-656, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 31st day of March, 1908.

Very respectfully,

Commissioner in Charge.

Contract 2-[illegible].

Muskogee, Indian Territory, April 10, 1902.

Mrs. Willie Sanders,

Tahlequah, Indian Territory.

Madam: You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 21st day of March, 1902.

Very respectfully,

Commissioner in Charge.

Registrar.

1.

REGISTERED
1902
MUSKOGEE, IND. TER.
2741

REGISTERED
FEB
22
1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

~~Mrs. Callie Paintef,~~

~~Tahlequah,~~

Indian Territory.

2183

Rem: to d-address unknown

Returned to sender

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
APR 10 190
MUSKOGEE

920

6025

Mrs Callie Painter
Tahlequah
Ind. Ter.

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., February 2, 1906.

In the matter of the application of Chas L. Collins for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner, G. H. Brookbridge, testified as follows:

Q Give me your full name. A Chas L. Collins.
Q How old are you? A 34.
Q What is your occupation? A Tahlequah.
Q Do you live in Tahlequah district? A Yes sir.
Q Who is it you want to have enrolled? A Myself and my wife and one child.
Q Do you apply for yourself as a Cherokee by blood? A Yes sir.
Q What is your wife, a Cherokee by blood or a white woman? A White woman.
Q How long have you lived in the Cherokee Nation? A Four since about '94 or '95 I believe.
Q Are you on the roll of 1880? A No sir.
Q Why are you not on that roll? A I didn't know why, I was going to school here at the Seminary; my father died, the Cherokee Council voted he, my father, was loyal and my mother married a white man, and they never went on their home at all. We were at school.
Q Give me the name of your father. A Ray J. Collins.
Q He died before the roll of 1880 was made? A Yes sir; he died before we ever got on our roll at all. He died [illegible] we came to this country.
Q Where did he come from? A From Georgia.
Q Did he been admitted? A No sir, he hasn't been here long. His brother was admitted.
Q Your father a Cherokee or white man? A He was a Cherokee.
Q Give me your mother's name? A Mary P. Walch, is married now.
Q Is she a Cherokee or white woman? A She's a Cherokee; she was admitted by the Dawes Commission.
Q Weren't you admitted at the same time? A I never tried: I was claiming blood from my father. I was simply recognized.
Q Did she apply to the Dawes Commission under the name of Walch? A Yes sir.
Q She's alive now is she? A Yes sir.
Q She's not on the roll of 1880? A No sir.
Q What is the name of your present husband? A Thomas J. Walch.

The records of the Commission, Docket 2, page 400, Commission No. 4966, show that on September 5th, 1902, application was made to the Commission for admission to citizenship, signed by Thomas J. Walch and Mary P. Walch, et al. Mary P. Walch was admitted as an intermarried citizen. Thomas J. Walch, her husband, and their children were denied. No [illegible] appeal was taken from this decision.

Q Thomas J. Walch is a white man, is he? A Yes sir.
Q How many children has your mother by her present marriage? A Two.
Q How old are they? A About 16 and 18.
Q What are their names? A Josie and Jesse Walch; Jesse is the oldest I think; Josie is a girl and Jesse a boy.
Q Was there a special act of the National Council of the Cherokee Nation passed with reference to you on December 14, 1898? A Yes sir. We got our money.
Q What money? A We got our last money.
Q Have you a copy of that act? A No sir, Mr. Dawes gave me that paper; I never went to enter the copy.
Q Do you claim that act also provided for your name being put on the 1880 roll; do you claim that? A Yes, we ought to be there.
Q Give me the name of your wife. A Amanda Collins, same as wife.

[illegible]

Q How old is your [illegible]? A [illegible] years.
Q [illegible] A [illegible]
When did you marry? A [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q Was she a white woman? A [illegible]
Q When did you [illegible]? A [illegible]
Q [illegible]

Q Is she dead? A No sir.
Q When did you and she separate? A In 1[illegible].
Q She was a white woman, was she? A Yes sir.
Q Did you get a divorce from her? A No sir.
Q There was no divorce [illegible] you? A No sir, I [illegible]
Q You have no [illegible] divorce from her? A No sir.
Q While [illegible] did you [illegible] the [illegible] marriage?
A While [illegible]
Q That is the [illegible]? A [illegible] children.
Q How old is the [illegible]? A [illegible] years old.
Q [illegible]

Q [illegible]
Q Is he living with you? A [illegible]
Q When did you come [illegible]? A [illegible]
Q [illegible] A I [illegible]
Q [illegible] A [illegible]
Q How long [illegible]? A [illegible]
Q What were you [illegible] last? A Selling [illegible].
Q This white [illegible] was she ever married before she married you?
A No sir.
Q How old is she now? A [illegible] about [illegible] I guess; I don't know exactly.
Q You married her 18 years ago? A About 18 years ago.
Q That would make her 18 years old when you married her? A [illegible] that that; she was about 18. She must be about [illegible] 18 I guess.
Q Have you any [illegible] of your marriage to her? A No sir.
Q Had 18 her parents [illegible]? A [illegible] Ford.
Q Where do the [illegible]? A [illegible] working [illegible], about [illegible] miles from here.
Q What is the name of her [illegible]? A [illegible] Thom.
Q Is that name in [illegible]? A Yes sir.
Q [illegible] yes; page line [illegible] Chief Collins, [illegible].
Q You say you [illegible] was a [illegible]? A No sir, she's a white woman.
Q [illegible] page line, [illegible] Mr. J. Collins, [illegible].
Q You have no [illegible] of your marriage to [illegible], Mike?
A No sir.
Q This man [illegible] she married, is he a white man? A No sir, he's a Chinaman.
Q Was she married to him in 1[illegible]? A No sir, before that.

[illegible]

The [illegible] opinion for the [illegible] of himself, his wife, and his child. He states that he has lived in the Chamberlain Estate since [illegible]. He is not identified in the [illegible] of [illegible], but [illegible] that he was the subject of a [illegible] [illegible] Chinaman [illegible] Lee, [illegible] [illegible] [illegible]

2- C.L.C.

cent husband he held to be a white man. For the further consideration of all the features in this case, this application will now be placed upon a doubtful card, the applicant being listed as a Cherokee by Blood, and the final decision of the Commission will be made known to him. He is desired to furnish the Commission with an official copy of the roll of the Cherokee Council referred to. His present wife, Hannah Collins, is said to be a white woman, and the applicant states that he and she were married three years ago. This is too late under the Cherokee law of December 16, 1888, to entitle her to enrollment at this time. It also appears that the applicant never secured a legal divorce from his first wife, and consequently, according to his own testimony, he wasn't in a position, even had he married at an earlier period, to endow his present wife with the right to enrollment. The child for whom application is made, Iva J. Collins, is said to be the applicant's child by his first wife. He is not able to present a certificate of marriage of his first wife, who he states was never previously married. They separated in 1894. She is not identified on the roll of 1896. The child, however, is identified with his father on the roll of 1896, and he will be listed as a Cherokee by blood upon a doubtful card for further consideration.

I, C. Rothenberger, being duly sworn, doth state that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

C. L. Rothenberger

Subscribed and sworn to before me this 3rd day of December 1900.

[illegible]

Commissioner.

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1 1900

ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Department of Applicants Venue Hotel, Ga.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 1 1900 1900.

Name Takhequah, G.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen Rejected

Married under what law Date of marriage

License Certificate

Wife's name Kanagdu Collins

District Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage July 1897

License Certificate

Names of Children:

Rejected

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Clark L. Collins for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kamanda Collins, as a citizen by intermarriage of the Cherokee Nation, consolidating the applications of:

Clark L. Collins, et al., Cherokee R 272
Kamanda Collins, " " N 437

DECISION

The record in these cases shows that on December 1, 1900, Clark L. Collins appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment of himself and his minor child, Ira J. Collins, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Kamanda Collins, as a citizen by intermarriage of the Cherokee Nation. Further proceedings were had in the matter of said application at Tahlequah, Indian Territory, on November 3 and December 4, 1900, and a copy of the testimony taken at Tahlequah, Indian Territory, on December 13, 1906, in the matter of the application of Elima Walford has been filed herewith and made a part of this record.

The evidence shows that Clark L. Collins is the son of one Ira J. Collins, deceased, by his wife, Mary P. Collins, nee Mary P. Welch. Clark L. Collins is not identified on the Cherokee authenticated roll of 1880, but on examination of the Cherokee tribal rolls in possession of this Commission, his name is found on the Cherokee Strip payment roll of 1894 and the Cherokee Census roll of 1896, and, from an examination of the proceedings of the Cherokee National Council at an extra session held in 1884, it appears that the sum of $12.10 was set apart to pay the per capita for the year 1883 of certain persons, among whose names appears that of Clarke Collins, who is identified as the principal applicant herein. The evidence further shows that Mary P. Welch, the mother of Clark L. Collins, filed her original petition for herself, among others, with the Commission to the Five Civilized Tribes, for admission as a citizen of the Cherokee Nation, under the provisions of the Act of Congress approved June 10, 1896 (29 Statu., 321), and that said Mary P. Welch was admitted as an intermarried Cherokee citizen by virtue of intermarriage with her former husband, Ira J. Collins, the father of said Clark L. Collins.

Kamanda Collins, a white woman, was married to the said Clark L. Collins in 1897. Section twenty-six of the Act of Congress approved July 1, 1902 (Public-No. 321), and duly ratified as provided in section seventy-five thereof, provides:

"....no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, eighteen hundred and eighty-five, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

-4-

The evidence further shows that Ira J. Collins, the minor applicant herein, is the son of Eliza Hughes, now Eliza Vorford, a white woman, and the said Clark L. Collins. It appears that Clark L. Collins and Eliza Hughes lived together, and held themselves out as husband and wife for about six years, and were so recognized; that Ira J. Collins is the result of, and was born during that cohabitation, and is, therefore, the descendant of said Clark L. Collins. Upon an examination of the Cherokee tribal rolls in the possession of this Commission, it is found that the said Ira J. Collins is identified on the Delaware payment roll of 1896 and the Cherokee Census roll of 1896.

The evidence further shows that the said Clark L. Collins has resided in the Cherokee Nation since about 1874 or 1876 and the residence of his child, the said Ira J. Collins, is considered to be that of his father, with whom he is living.

It is, therefore, the opinion of this Commission that Clark L. Collins, and Ira J. Collins, should be enrolled as citizens by blood of the Cherokee Nation and that the application for the enrollment of Kansas Collins as a citizen by intermarriage of the Cherokee Nation should be denied, in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Date JAN 15 1903

COPY.

Cherokee R-678.
Cherokee R-437.

Muskogee, Indian Territory, January 28, 1903.

W. T. Hastings,
Attorney for Cherokee Nation,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 16, 1903, granting the application of Clark R. Collins for the enrollment of himself and his minor child, Ira Z. Collins, as citizens by blood, and rejecting his application for the enrollment of his wife, Kannah Collins, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. R-6.

Vinita, Indian Territory, February 11, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in the Commission's letter of February 4, the original jackets and records in the following Cherokee cases are transmitted herewith:

Cherokee R-872, Clark L. Collins, et al.
Cherokee R-437, Lamanda Collins.

Respectfully,

Clerk in Charge.

Encl. P-75.

W

COPY.

Muskogee
Indian Terr.

Muskogee, Indian Territory, February 14, 1902.

Clark L. Collins,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 15, 1902, granting your application for the enrollment of yourself and your minor child, Ira L. Collins, as citizens by blood, and rejecting your application for the enrollment of your wife, Emma Collins, as a citizen by intermarriage of the Cherokee Nation.

There has this day been forwarded your agent, J. L. Montgomery, Chelsea, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. 2-75

Registered.

COPY.

Department,
Appeals & Land

Muskogee, Indian Territory, February 16, 1903.

F. H. Dougherty,

Agent for Clark L. Collins et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et al., as citizens of the Cherokee Nation, together with a copy of the Commission's decision, dated January 15, 1903, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kennedy Collins.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. R-272

Register.

COPY

Enclosure
Dated 2 May

Muskogee, Indian Territory, February 14, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et ux, as citizens of the Cherokee Nation, together with the Commission's decision, dated January 28, 1902, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kenneth Collins.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Acting Chairman.

COPY

Cherokee
R-672 & R-137

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Clark L. Collins et al., as citizens of the Cherokee Nation, including the Commission's decision, dated January 15, 1903, granting said application as to Clark L. and Ira J. Collins, and rejecting said application as to Kenneth Collins.

Respectfully,

Tams Bixby

Acting Chairman.

Enc. R-75

Through the

Commissioner of Indian Affairs.

(COPY)

D.C. 8212 - 1906.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

T.P.

THE.

I.T.D. 7764-1905.

November 26, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of November 12, 1906, in the matter of the application for the enrolment of certain persons as citizens of the Cherokee Nation, including Kanada Collins as a citizen of that nation by intermarriage, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 26, appealed from the Court of Claims, the application for the enrolment of Kanada Collins is denied.

The papers have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Of.

GHB

REFER IN REPLY TO THE FOLLOWING:
Cherokee
R-437.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

Kansada Collins,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 15, 1903, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information a copy of Departmental decision referred to is enclosed herewith.

Respectfully,

Wm. O. Beall

Acting Commissioner.

Encl. H-55
JMH

Refer in reply to the following:
Cherokee
R-437.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated January 15, 1905, rejecting the application of Kamsada Collins for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall
Acting Commissioner.

Encl.H-57
JMH

Cuter Roll

Cuter R 438

[illegible], as to applicant: MARY ALICE JONES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 3, 1900.

In the matter of the application of Mary Alice Jones for the enrollment of herself and her two children as Cherokee citizens, the children's names being Lucretia Maude Childers and Thomas Bluford Childers; being sworn and examined by Commissioner Needles she testifies as follows:

Q What is your name? A Mary Alice Jones.
Q What is your age? A I will be 34 next March.
Q What is your post-office address? A Eagle Indian Terry
Q In what district do you live? A Cooweescoowee Dist.
Q Are you a recognized citizen of the Cherokee Nation?
A Well, I am a white woman, I married a citizen.
Q Where is your husband? A My husband is a white man now.
Q Who do you want to enroll? A My 2 eldest children, by my first husband.
Q You don't apply for yourself then? A Well I was married in 1890 but I don't know whether I am on the 1890 roll or not.
Q Who do you apply to enroll- I want to know whether you apply to enroll yourself or not? A Well of course if I am---
Q Well what was your husband's name? A. Your first husband?
A James Otis Childers.
Q Is he living? A No sir.
Q Was he a Cherokee by blood? A Yes sir.
Q What are the names of your children? A Lucretia Maude Childers.
Q How old is Lucretia? A 17 years old.
Q What is the name of the next child? A Thomas Bluford Childers.
Q How old is he? A 14 years old.
Q What is your present husband's name? A Charles Jones.
Q Is he a white man? A Yes sir.
Q When did you marry him? A 12 years ago, the 3rd day of this coming May.
Q Is he living? A Yes sir.
Q Is he here? A Yes sir.
Q Does he apply for enrollment? A He hasn't.
Q In what district were you living in 1890? A Cooweescoowee District.
Q Where do you live now? A We have lived now for about 8 months at Southwest City Missouri. I am schooling my children; Eagle Ind Terry has been our post-office until the last nine months.
Q Have you got any proof of marriage to your husband? A Yes sir, I have it with me, I haven't no certificate. It was on record I suppose.
1890 roll page 78 #223 James Otis Childers born Cooweescoowee native born
Q Where were you living four years ago? A On the same old place. I have lived there 22 years, on West Canadian.
1896 roll page 112 #933 Lucretia M Childers Cooweescoowee
1896 roll page 132 #984 Thomas F Childers Cooweescoowee Distr.
Q Are these children livin now with you? A Yes sir.
Q Have they always lived in the Cherokee Nation? A Yes sir always, they was born and raised in the Cherokee Nation on the old home place.

Com'r Needles: The names of Lucretia M. Childers and Thomas B. Childers, are found upon the census roll of 1896, the applicant says that she is the mother of said children, and was married to James O. Childers, whose name appears upon the Cherokee roll of 1890, he now being deceased, she having been married to the time of marriage to said Childers, since the death of James O. Childers, the father of these children, she

[illegible] Jones, a [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] the father of said [illegible], and
Mary A. Jones, her [illegible]

Said Mary A. Jones having [illegible] since the death of her husband, one Charles Jones, a [illegible], by reason of Section 6[illegible] of the Cherokee Statutes, [illegible] of 1898, her application for enrollment as herself will be rejected.

M.D. Green, being first duly sworn, states that as stenographer in the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes taken [illegible]

[illegible]

Subscribed and sworn to before me this 3rd day of December 1900.

[illegible]

Commissioner.

Ra38 B

CHEROKEE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION

Date DEC -8 1909 1909.

Name Eagle Dd

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name (35) Mary A Jones

District Year 15 Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Place of children

Rejected - married out

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

P

R 1148

COMMISSION TO THE FIVE CIVILIZED
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Mary A. Jones, rejected by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 438, it is entitled Mary A. Jones, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 438.

(COPY)

COMMISSIONERS
MOORE L. DUNN,
TAMS BIXBY,
THOMAS B. HARGRAVE,
C. R. BREEDLOVE.

ALLEN L. FOREMAN,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 488.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mary A. Jones,
Eagle, Indian Territory.

Madam:

On the 24 day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the evidence in this case that you are a white woman. You testify that you were married in 1880 to James Otis Childers, a citizen by blood of the Cherokee Nation. You state that your said husband is dead; that on the 24 day of May, 1899 and subsequent to the death of your Cherokee husband, you married Charles Jones, a white man.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress and to enroll all persons now living whose names are found

[illegible] said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Which section of the law shows that in the matter of placing intermarried persons upon said rolls this Commission is thereby restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provision of the Cherokee law as applicable in this case is found in page 104 of Laws of the Cherokee Nation (1892), and is as follows:

"Sec. 446. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

You do not appear to be identified on the authenticated tribal roll of 1896, but assuming that you were married in that year to your husband, James Otis Childers, then by your marriage to a

[illegible]

[illegible] the death of your [illegible] husband, you have forfeited all such rights of citizenship as you had were acquired by your Indian marriage, and it is considered that you are not entitled to that class of patents provided in the act of Congress herein quoted as [illegible] for which purpose application is [illegible] only under Chickasaw laws.

In view of the foregoing it is not seen that [illegible] for the enrollment of [illegible] as an American citizen of the Choctaw Nation has been [illegible] by the [illegible] of the New Citizens Rolls.

A copy of the record of the proceedings and in this application [illegible] is inclosed herewith.

This decision, with a copy of the proceedings [illegible] in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the decision is received in the case.

Respectfully,

[illegible]

Enclosure.

By (Signed) [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Dear in reply to the following:

[illegible]

[illegible]—1902.

[illegible]—1903.

[illegible]—1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March [illegible], 1903.

[illegible]

[illegible]

[illegible]

168	[illegible]	170	[illegible]
176	[illegible]	260	Frank Gorham
216	John Hunt	281	John J. Rice
274	Bruce W. Parsons	[illegible]	Richard E. Harrington
284	Lambert T. Kimball	[illegible]	Don Hall
372	Elizabeth Hall	[illegible]	William D. Wallace, Sr.
384	Silas T. Duffy	387	[illegible]
[illegible]	Keith Evans	[illegible]	Joseph A. Prather
[illegible]	Emily C. Ramsey	[illegible]	Mary A. Jones
[illegible]	[illegible]	[illegible]	Frank M. Garrison
437	[illegible]	478	Willie Hood
498	[illegible]	528	William J. [illegible]
534	[illegible]	[illegible]	[illegible]
567	[illegible]		

Section 22 of the Act of June 28, 1898, (30 Stats., 495) as amended, is:

SEC. 22. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and who shall make proof satisfactory to said Commission of the fact that they are the same persons named on said roll, and all persons who have been enrolled by the proper authorities who have heretofore made application for enrollment in the Cherokee Nation under treaties, or agreements of their Cherokee blood, have been heretofore admitted to enrollment by the tribal authorities, and who were living when such treaties were so admitted and who shall investigate and decide all other persons whose names are found on any other roll

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 1 1902

ACTING CH

I.R.S. 16[illegible]. F. [illegible]

Department of the Interior,

Washington,

March 26, 1901.

I. T. D. 1720-1892.
R. C. [illegible]-1900.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adeline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Mary A. Jones, R. 458, is rejected, as held by you in your decision of February 14, 1900, because she forfeited her right to enrollment by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

R. H. R.

DEPARTMENT OF THE INTERIOR,

Washington,

L. D. B. 3758-1902. [illegible] NO. 1602.

Commission to the [illegible] Tribes.

THEODORA L. [illegible]

Gentlemen:

February 14, 1903, you transmitted the record in the matter of the application for enrollment of Dealing Abel as a Chickasaw citizen by intermarriage.

It appears that the applicant's claim is on the 1900 enrollment upon the ground that she was at that time married to a Chickasaw citizen and alleged in fact that she married a Chickasaw Indian in 1894, and this husband being dead, she asserts in lieu another marriage.

According to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission should consider "such intermarried white persons as may be entitled to citizenship under Chickasaw laws," you rejected the application for enrollment the 22nd of October 22, 1902 (see 2 book of the Chickasaw Nation) upon the ground of her husband's death in 1894, providing:

"Sec. 888. Should any man be married, a citizen of the United States or of any foreign country, become a citizen of the Chickasaw Nation by intermarriage, and be left a widow or widower by the decease of the husband or wife or husband and surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be) he forfeits no rights of Chickasaw citizenship by decree in that case, all of his or her rights ceased under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 28, 1906, transmitting the same with others, recommends that your decision be concurred in.

The claimant, as heir of you, by virtue of the thereto your husband has signed an agreement in the same filed by intermarriage after the death of her thereto husband, with a person not a citizen of the Choctaw Nation, and your decision of affirmance of the Acting Commissioner's letter is approved.

Respectfully,

E. A. Hitchcock,

Acting Secretary.

2.1.D.

Enclosure.

[illegible]

[illegible], [illegible] [illegible] [illegible] 28, 1[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible] [

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Mary A. Jones, Cherokee No. R 488, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 20 day of March, 1902.

Very respectfully,

[redacted] Chief.

Cher R 439

Cher R 439

Commissioner.

Approved this 8th day of November, 1901.

Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
NOV 16 1901

Acting Commissioner.

Commissioner.

Department of the Interior,
Washington, D. C., November 16, 1901.

Commissioner to the Five Civilized Tribes:

Sir:

Your letter of the 8th instant, with enclosures, relative to the application of Thomas Gibson for a rehearing in the case of Thomas Gibson vs. Ella Gibson, Choctaw 1,439, has been received.

The decision of the Department in this case was rendered on the 25th day of June, 1900, and the application for rehearing was filed on the 27th day of July, 1900, more than one year after the decision was rendered.

The Department has no authority to grant a rehearing in a case after the lapse of more than one year from the date of the decision, and your action in refusing to grant a rehearing in this case is hereby approved.

Respectfully,

(Signed) E. A. Hitchcock,
Secretary.

a R439

enrolled as to wife, MARY LOUELLA.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T. December 3, 1900.

In the matter of the application of Alfred Dudley for the enrollment of himself, wife and children as Cherokee citizens, being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Alfred Dudley.
Q No middle name? A No, sir.
Q What is your age? A 30.
Q What is your post office address? A Stilwell.
Q In what district do you live? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes, sir.
Q Who do you want to enroll? A Myself, wife and 2 children; one is adopted.
Q What is your wife's name? A Mary Louella.
Q Have you any certificate of marriage? A No, sir.
Q Is she a white woman? A Yes, sir.
Q What is her age? A 24.
Q When were you married to her? A It has been about 13 years ago.
Q Can you prove your marriage? A Yes, sir.
Q What are the names of your children? A Henry David.
Q How old is Henry David? A 12 years old.
Q What is the name of the next child? A Joseph Alonzo.
Q How old is Joseph? A 7 going on 8.
Com'r: The applicant presents certified copy of act of the Cherokee Council admitting one A.C.Dudley to all the rights of Cherokee citizenship on the 28th day of November, 1890, said act being approved by J.B.Mayes, Principal Chief, and the correctness of the copy being certified to by B.W.Alberty.
By Cherokee rep're W.W.Hastings:
Q Where were you married? A Gwinnett County, Georgia.
Q Not married since you were re-admitted? A No, sir, I wasn't married then.
1896 roll, page 741, #836, Alfred Dudley, Goingsnake Dist.
By Com'r Needles:
Q You say you were married 13 years ago in Georgia and have never been married since? A Yes, sir.
Q That was before your admission? A Yes, sir.
1896 roll page 826 #6 Mary L. Dudly Goingsnake Dist.
1896 roll page 741 #836 Joseph A. Dudly Goingsnake.
Q Are these children alive and living with you at this time?
A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 10 years.
Q Since you were admitted? A Yes, sir.

JOHN WESLEY TWILLEY, being sworn and examined by Com'r Needles testified as follows:

Q What is your name? A John Wesley Twilley.
Q What is your age? A 30 years old.
Q What is your postoffice? A Stilwell, Indian Territory.
Q Do you know Alfred Dudley? A Yes, sir.
Q You know his wife Mary L? A Yes, sir.
Q You know whether they were married? A Yes, sir.
Q How do you know that? I seen them married.
Q Where? A In the state of Georgia, Paulding County.
Q Have they been living together as man and wife ever since that?
A Yes, sir.
Q How long ago was that? A It has been about 13 years I guess.
Q They were married according to law? A Yes, sir.

Cherokee Needles: The name of [illegible] appears upon the census roll of 1896; he makes satisfactory proof as to his status to Cherokee citizenship, more particularly described in his testimony; the name of his wife, Mary L., appears upon the census roll of 1896; he swore that he was married to her 18 years ago in the State of Georgia, and was not re-married according to the laws of the Cherokee Nation, since his admission; the names of his children, Henry D. and Joseph A. appear upon the census roll of 1896; they are all duly identified and make satisfactory proof as to admittance, consequently said Alfred Dudley and his children, Henry D. and Joseph A., will be duly listed for enrollment as Cherokee citizens by blood.

Not having married his wife according to the laws of the Cherokee Nation his application for her enrollment will be refused and she will be rejected.

M. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this 2 day of December, 1906.

(Signed) D. H. Breckinridge,

Commissioner.

Arthur G. Grininger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Grininger

Subscribed and sworn to before me this 6th day of November, 1906.

Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harlan	204
Benjamin W. Williams	8	Emma Phillips	207
Lena Severs	19	John Whitenhunt	[illegible]
Sarah E. McCoy	21	Tilman Chance	273
Joseph Hesberger	23	Thomas A. Sheffield	304
Laura Henson	48	Victor C. Martin	[illegible]
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Langan	[illegible]
Walter A. Edens	62	Joseph P. Willis	504
Addie B. Ward	69	James T. Miller	[illegible]
Samuel G. Victor	78	George A. Waters	632
Sarah M. Thomas	109	Janette Meaner	[illegible]
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	[illegible]
Thomas N. Wilson	185	William Gordon	[illegible]
Ulsie Ann Smith	[illegible]	Maggie Patterson	[illegible]
Susan M. Perry	[illegible]	Martha M. Brewer	[illegible]
Gertrude Palmer	[illegible]	Emma Morris	[illegible]
Hugh Willis	[illegible]	Susie Fleshiller	[illegible]
Mary A. Willis	[illegible]	John F. Gordon	[illegible]
John W. Thurman	[illegible]	William H. Brewer	[illegible]

Mary Pettit	977
Bettie Mitchell	978
John J. Harrison	980
Jasper N. Bateman	1039
Susan Ballard	1065
Lizzy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1097
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Bettie Sheppard	1123
Robert G. Elgin	1125
William Hall	1127
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Carroll	1177
Jane Bailey	1223
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Tunnell	1264
Flora Carlile	1266
William H. Nortid	1275
Olivia Bunge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1290
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyke	1347
Mary H. Miller	1359
Mary E. Taylor	1363
Polly Ann Bunge	1369
Margaret Moten	1385
Minnie McKinney	1399
Hettie Seabolt	1418
Lawrence G. Faulkner	1432
Sarah A. Holt	1440
Jeanette Pulcest	1462
Ellen Seabolt	1508
Charles W. Kettles	1509
Lena Sittinghouse	1511
Tim Crocker	1512
Odie Pidcock	1517
Ellen A. Satterfield	1529
Laura J. Jarrahish	1539
Ben Hicks	1540
Mary A. B. McKinney	1559

Willie Morton	1564
Andrew Walters	1573
John H. Hobbs	1610
Mary M. Burr	1612
Thomas E. Bunkers	1644
Florence Hamblett	1669
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1725
Gust Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willie E. Miles	1749
Lora Adair	1751
John Yarbrough	1756
Lillie M. Dunder	1762
Bryant C. Redington	1804
Malina A. Maxwell	1808
Richard Dubes	1811
Fannie Pettit	1816
Genevia Peel	1817
Mollie Crawford	1822
Lizzie Bunge	1828
John H. Welty	1847
Edward P. White	1864
Lawson P. Green	1867
Charles Rosser	1868
Fay Adair	1872
Henrietta Irving	1880
Bird Trippeed	1885
John C. Carlile	1887
John W. Gibbsey	1904
Sarah Young	2043
Nancy A. Coleman	2049
James N. Whitehurst	2118
Hiram Stephens	2157
Ace L. Guinn	2160
Rebecca J. Flying	2172
Thomas J. Meadin	2182
John Coody	2216
Sarah Crutchfield	2226
Henry E. Lee	2251
Sarah Gatts	2260
John A. Madden	2261
Hardy C. Pennel	2271
Matilda S. Cleland	2282
Dora A. Frazier	2312
Laura B. Cordrey	2320

Lafayett B. Kindred	2328	William A. J. Trotter	3337
Pearl V. Simon	2339	Albert P. Goferth	3338
Nancy J. Sevier	2360	Anna B. Martin	3357
Mollie Blair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3346
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3425
Andrew A. Brown	2575	Thomas S. Heady	3437
Lottie K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleston	2668	Emma McAffrey	3543
Elisha M. Gray	2684	William T. Hutt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3591
Belle Sixhiller	2809	Fred L. Kelley	3593
James F. Riley	2825	Annie Herod	3594
William Breedlove	2854	Maggie V. Fields	3615
William A. Martin	2865	Lou Payne	3616
Joseph Q. Buchanan	2868	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Walker	2926	Robert L. Madison	3761
John B. Lawrence	2959	Mariah McDowell	3795
Lulu O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Dunithan A. Wilson	3841
Elma O'Field	2977	Charles F. Covey	3865
Margaret Seagoe	2983	Tamsey M. Williams	3884
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lambard	3901
Mollie Daugherty	3069	Micajah P. Haynes	3907
Charles H. Leatherman	3042	Annie L. Wingfield	3928
Alice A. Edwards	3100	Mary Fields	3937
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3960
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3980
Martha R. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4063
Anna B. Ryne	3193	Lizzie Gray	4117
Elma Henderson	3198	Nancy C. Carey	4121
David R. Jenkins	3212	Annie E. Kenney	4165
Minnie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4189

Nancy J. Kinney	4236	Ronie J. Kotchum	4[illegible]
Sydney R. Bell	4232	Lizzie Love	4[illegible]
Isaac H. Jordan	4235	Robert K. Wann	4[illegible]
Charles Parks	4244	Frederick Metzner	4[illegible]
Dora Frenchman	4262	John C. Bratcher	4[illegible]
James R. Fugate	4275	Pigrow L. Jones	4941
Maud Adams	4277	Ada Berthoff	4942
Elizabeth Black	4281	Alice Robbins	4944
Anna Thornton	4291	Jane Dougherty	4949
Robert T. Morrison	4294	Samuel Francis	4950
Perley Israel	4295	Clemon C. Peak	4952
William A. Long	4304	Mont C. Frazier	4953
Mollie Swannock	4319	Frank J. Mayberry	4955
Frances Guess	4324	Charles W. Moore	4960
Allen H. Gibson	4327	Jefferson D. Edmondson	4961
John McFall Jr.	4343	Alonzo H. Boone	4962
Albert W. Fitzsimmons	4360	Thomas C. Mock	4966
George S. Ford	4366	Sallie Allison	4969
Quinn Carr	4387	Elizabeth E. Burgess	4971
William A. Powell	4390	LaFayette Breeden	4973
Austin Hasley	4400	James M. Boling	4976
Anna Bible	4414	Francis A. Neilson	4981
Elizabeth Riley	4428	John F. Smith	4989
John P. Sudderth	4449	Rufus S. Steward	4991
Anderson Keen	4450	John I. Haddock	4994
Ida M. Adams	4451	Maggie O. Walkley	4995
Martha J. Randall	4457	George W. Talbert	4998
Mollie Conner	4477	Mary Miller	4700
Jane McGhee	4491	Henry C. White	4707
Jennie Riley	4525	Mattie E. Hill	4769
Hannah Randall	4528	Alice A. Bible	4772
Charles W. Childers	4542	Katie Coker	4785
Nannie B. Riley	4543	John Creek	4901
John W. McDaniel	4544	Ruby R. Bean	4904
Minnie Armstrong	4548	William J. Dodson	4906
Ada Chouteau	4549	Blackburn Reed	4907
Mary Thompson	4571	Viola Lowther	4991
Ota Armstrong	4593	William B. Ritchson	4910
Mary Spencer	4594	Henry D. McDonald	4930
Clarkson F. Woody	4603	Della McDaniel	4956
James M. McConnell	4604	Dorothy Rattlinggourd	4991
Annie E. Coker	4605	Ida McCay	5003
Jennie Long	4606	Henry M. Lyon	5100
Julia Gilstrap	4607	Alice J. Wofford	5101
Laura E. Smith	4608	Nancy Morris	5137
Annie Nicholas	4609	Ella Sullivan	5140
Minnie R. Taylor	4611	Winfield Williams	5144
Mary E. Rogers	4614	Bessie M. Smith	5145
Emma Downing	4615	May Humphrey	5167
William Steere	4619	Dennis Burgess	5[illegible]

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeton	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5399
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5438
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Ede Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Halliford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cleeve J. Strange	5610
Henry Westenhaver	5611
Emma H. Reach	5612
William A. Pelton	5613
Pauline P. Pitcher	5614
Charley Hendrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5626
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5698
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5720
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Ejte	5815
Edward Lutz	5816
John F. Woodworth	5820

Horace H. Huddleston	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welsh	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030

George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6046
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malinea Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
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Henderson B. Thomas	6144
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Berry Hutchins	6186
Eli Parker	6189
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Julia Keys	6211
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Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6268
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6303
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6328
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6363
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James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
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Mark F. Matheson	6428
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Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Usrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715
James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128
Terry A. Parkinson	7146
Cora L. Hanks	7147
Otto J. Zufall	7149
Rufus M. Norman	7155
Mary F. Foreman	7158
Alma West	7159
James M. Connally	7161
Francis M. Crowell	7163
Fannie E. McClure	7171
Benjamin B. Graham	7176
Ada Pharies	7180
William L. Whisenhunt	7184
Frances B. Perry	7191
Philip Shultz	7210
Hester A. Miller	7212
Minnie B. Edmonds	7213
Eliza Jordan	7217
William T. Ross	7218
Thomas M. Price	7225
James G. Wilson	7231
Frank Rhomar	7263
John W. Thompson	7267
Melissa Booth	7271
Solon L. Jackson	7273
Henry W. Coughran	7282
Sarah Ross	7291
Mary S. Smith	7322
John A. Martin	7323
Myrtle Robinson	7330
Allen L. Buckner	7331
James L. Goad	7350
Elijah Johnson	7351
Mary E. Kimbrough	7360
Jennie Burr	7367
Kiassy Sapsucker	7378
Sarah J. Johnson	7394
William I. Branan	7409
Wyatte T. Brady	7412
Lena O. Holderman	7413
Mary F. Hummingbird	7420
Bertha A. Allen	7425
Robert J. Tyner	7426
Fannie B. Martin	7434
Myrtle Wolfe	7435
Mary Blevins	7479
Sarah Ketcher	7488
Charles D. England	7512
May Cochran	7544
Rebecca Oglesby	7549

Robert B. Collins	7556
Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
William M. Wilson	9444
David O. Scott	9446
Harriett Forbes	9447
John Carver	9449
Thomas J. Davis	9451
Clara M. Boudinot	9453
Mary E. Keys	9454
John G. Ainsworth	9456
Mary J. Christy	9460
Malinda Seabolt	9462
Mary Cumpton	9464
Mollie P. Mulkey	9465
Andrew Brimmer	9467
James F. Flippin	9471
William Bird	9473
Mollie C. Forbes	9476
William H. Thomason	9478
Mollie Devine	9481
Mary P. Guthrie	9482
Detlev N. Leerskov	9484
Nannie Cowart	9485
Leona Catcher	9489
Alexander B. Clapp	9502
Tennie Sanders	9503
Virgil A. Wiltshire	9505
Joshua K. Carr	9510
Herbert Kneeland	9518
Hugh E. Hope	9519
Thomas J. Ritter	9522
Martha Baldridge	9529
James R. Poindexter	9535
Maud Foreman	9539
Belle Bryant	9542

Joseph P. Smith	9550
George E. Watkins	9552
Florence Henry	9553
Jesse H. Johnson	9560
Lydia B. Barger	9561
Mary Jane Thomas	9562
James F. Petty	9563
Laura McCrary	9566
Joel D. Smith	9568
William T. Cave	9572
William Bugher	9577
James M. Smith	9582
John E. Nazworthy	9583
Beverly L. Lafon	9587
Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
Charles M. Keys	9616
Bate O. Reed	9618
Joseph E. Feland	9623
Florence C. Smith	9625
Charles M. Cox	9630
Otis S. Skidmore	9634
William H. Hundley	9635
Thomas A. McDonald	9636
Annie Sanders	9638
Mack H. Martin	9640
Mary Ward	9653
George Givens	9658
Phenley Poorboy	9660
Charley Kiper	9671
Andrew J. Snider	9672
William T. Barton	9684
Daniel Crail	9770
Mary M. Motte	9771
Lecia E. Herrin	9854
Gailen E. Carrick	9855
Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
Robert E. Dry	9875

William G. Brown	9879
John B. Delay	9881
Pairlee Thompson	9882
Guenther W. Werther	9883
Margaret Crittenden	9884
Moses L. Morris	9889
Sarah L. Rogers	9891
Stephen Duncan	9892
Gideon D. Sleeper	9895
William A. Maddin	9896
John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
George W. Edens	9916
William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mattie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111

Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marian Evans	10188
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rissie Still	10200
Hannah E. Langley	10201
Anna Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
Mary E. Childers	10207
Robert M. Hamilton	10208
Julia Billingsles	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
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Henry C. Agent	D	139
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Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
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Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Wallen	D	368
Ada Hall	D	376
Jane M. Hicks	D	396
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	450
John M. Ridenour	D	458
Emery S. Thompson	D	464
Joseph Reed	D	468
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Artha Williams	D	800
Adam Gearhart	D	806
Cicero F. Rogers	D	855
Annie Garrett	D	856
George S. Yarborough	D	875

Rhoda A. Sanders	D	878
Manuel Spencer	D	884
Benjamin H. Hulbert	D	891
Mary Brassfield	D	935
James L. Tindle	D	944
Silas G. Reneckar	D	966
Eliza Wofford	D	967
Jasper L. Newton	D	971
John N. Guinn	D	974
Hannah Parson	D	989
Nellie C. Helterbrand	D	1003
Thomas J. Welch, Jr.	D	1006
Lizzie Christian	D	1010
George Hazlewood	D	1013
James M. Jones	D	1022
Reuben A. Evans	D	1032
Carrie H. Cobb	D	1049
John M. Burns	D	1069
Sarah E. Henson	D	1083
Laura D. Henson	D	1086
Hettie E. Downing	D	1090
Benjamin F. Crain	D	1099
Benjamin Strickler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Carey	D	1195
Christina Johnson	D	1199
Louvenia Ironside	D	1208
Martha J. Henson	D	1218
David A. Martin	D	1228
Fred D. McEnery	D	1235
Nathaniel R. Martin	D	1261
James H. Requa	D	1266
Frank Carver	D	1267
Etta B. Payne	D	1270
Mary Garrett	D	1271
Joe W. Goodman	D	1272
Mathew J. Flanigan	D	1274
Lizzie C. Holland	D	1285
Etta Downing	D	1291
William Caywood	D	1296
Clarence W. Turner	D	1307
Alfred Chaney	D	1313
Euphemia Sweetwater	D	1314
Etta Russell	D	1319
Ella Vann	D	1320
Linnie Wofford	D	1330
Minnie Downing	D	1332
Katie Rider	D	1334
Samuel G. Mills	D	1337
Alfred H. Woods	D	1342
Cynthia Whitekiller	D	1352
Susie McSpadden	D	1361
Martha J. Houston	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1433
S. F. Moore	D	1434
Addie Schrimsher	D	1448
Fannie Vann	D	1458
Marcella Blakeney	D	1474
G. W. Williamson	D	1555
C. F. Walker	D	1558
Louisa Blevins	D	1567
Frank Cowles	D	1581
Mary Francis Madding	D	1637
Thomas Rodman	D	1661
Katie Still	D	1866
Ira Creach	D	1913
D. A. Mounts	D	1967
J. C. Sefton	D	1991
Jennie Holland	D	2024
Lou Sanders	D	2216
Caroline Barnes	D	2591
Lacey Crane	D	2592
Daisy Cash	D	2595
Hiram A. Landers	D	2599
Charles Neal	D	2603
Mattie Robinson	D	2605
Jennie Rich	D	2606
Alexander C. Russell	D	2607
Pricilla Ross	D	2608
Tom W. Reeves	D	2609
Mary Smart	D	2612
Rufus Tidmore	D	2613
Jasper Turquitt	D	2614
Mabel West	D	2618
Ophelia West	D	2619
Cora Whisenhunt	D	2620
Katy Martin	D	2667
Willis Butler	D	2686
Claud Barger	D	2687
Disie Conner	D	2698
John Culwell	D	2699

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2708
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820
Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Tauuneacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Hanson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simco	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Mizer	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Pharis	D	3171	Stephen Haslett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

(C O P Y)

Muskogee, Indian Territory, February 14, 1902.

Mrs. Mary L. Dudley,

Stilwell, Indian Territory.

Madam:

Enclosed herewith please find a copy of the record of the proceedings had in the matter of the application of your husband, Alfred Dudley, for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation, together with a copy of the decision of the Commission rendered this date enrolling you as a Cherokee citizen.

This decision, with a copy of the proceedings, has this day been transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(Signed) Tams Bixby,

Acting Chairman.

Encl. C-R. 439.

Register.

Cherokee R-489

Muskogee, Indian Territory, December 6, 1902.

Mary L. Dudley,

Stilwell, Indian Territory.

Dear Madam:-

You are hereby advised that, before your application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to appear before the Commission at its office at Muskogee, Indian Territory, and testify relative to your status as an intermarried citizen of the Cherokee Nation on the 2nd day of September, 1902.

You are further advised that you will be allowed 15 days from date hereof, in which to submit such testimony.

Please give this matter your immediate attention.

Respectfully,

Acting Chairman.

Register.

Cher. R 439

Muskogee, Indian Territory, January 10, 1907.

Mary L. Dudley,

Stilwell, Indian Ter itory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-199
MTM

Commissioner.

C7B

REFER IN REPLY TO THE FOLLOWING:

Cherokee R
439

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Mary L. Dudley,
Stilwell, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

Commissioner.

MTK

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the

[illegible] appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant, or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes the report of the Cherokee Commission rendered FEB 14 1902

in the matter of the application of

for enrollment as a citizen of the Cherokee Nation.

Cherokee Nation

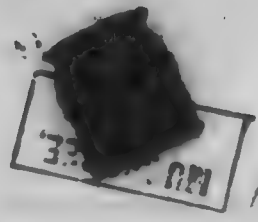
Chairman of Cherokee Nation

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

STILWELL MAR 13 PM 1905 IND. T.



IND. T.

PENALTY FOR PRIVATE USE, $300

Reg. No. 86/79

~~Mary L. Dudley~~

Stilwell, Indian Territory.

1150

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Mary L. Dudley,
Stilwell, Indian Territory.

Cher R 440

Commissioner.

Approved December 12, 1900.

Secretary.

Approved and adopted by action of the Commission to the Five Civilized Tribes, on the 12th day of December, 1900.

Acting Chairman.

Attest:

Secretary.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 8 1900

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P440

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd, 1900.

In the matter of the application of Abraham Mounce for the enrollment of himself as a Cherokee citizen. He being sworn before Commissioner Breckinridge, testified as follows-

Q What is your name Colonel Mounce.
Q How old are you? A. 57.
Q What is your post office? A. Kansas, I. T.
Q What district do you live in? A. Goingsnake.
Q Who is it that you want to have enrolled, yourself and family? A. Just myself.
Q Have you no family? A. No I haven't any family now.
Q Are you a Cherokee by blood or a white man? A. A white man.
Q Are you a recognized citizen of the Cherokee Nation? A. I am on the rolls.
Q Where were you married? A.(NO RESPONSE, applicant presents Commissioner Breckinridge with a paper .)
Q Have you an "A" in your name? A. Yes sir I suppose so.
Q What does that name stand for? A. Abraham.
Q You have a "W" in it also? A. Yes sir I believe so.
Q What is the "W" for? A. I think it stands for Mounce.
Q "W" don't stand for Mounts does it? A. It ought to that is my name.
Q Where did you get the "Colonel" in your name? A. A nick name they give me.
Q Well we dont want your nickname—what is your full proper name? A Abraham Mounce.
Q Then there is no "W" in it? A. No sir.

The applicant presents a marriage license issued by the Clerk of Goingsnake district, February, 24th 1896, authorizing marriage between Mr. A. W. Mounce to Mrs. Annie Batt. The certificate shows that they were untied in marriage on the 25th day of the same month and in the same year, by the Rev. G. W. Gordan.

Q This woman, Annie Batt to whom you were married is she a Cherokee? A. Yes sir.
Q Is she dead or alive? A. She is alive.
Q Are you seperated from her? A Ye sir.
Q Give me the name of her father? A Dragger, I suppose.
Q Do you know his full name? A. No sir.
Q Is he dead or alive? A. Dead.
Q Give me the name of her mother? A. I dont know it.
Q Is she dead? A. Yes sir.
Q How old is your wife Annie? A. I dont know exactly, about 37 I guess.
Q Was she married before she married you? A. Yes sir.
Q How many times before she married you was she married? A. Three times.
Q Give me the name of her first husband? A. Dont know it.
Q When did she marry him? A. Dont know.
Q Is he dead? A. Yes sir.
Q When did he die? A. Before I got acquainted with him.
Q How long did they live together? A. I dont know.
Q Give me the name of her second husband? A. Tom Batt, if I am mistaken.
Q Is he dead or alive? A. He is dead.
Q When did she marry Tom Batt? A. Before I knew her.
Q How long did she live with him? A. I cannot say.
Q Were they seperated? A. They did seperate.
Q When did he die? A. Some seven or eight years ago.

Abraham Meunce 2.

Q When was it? A. I dont know exactly.
Q What was the name of her third husband? A. Sam Bluss.
Q When did she marry Sam Bluss? A. Cannot say for certain.
Q Is he alive? A. No sir dead.
Q Were they seperated? A. No sir.
Q You say you dont know when he died? A. He died along last winter or fall.
Q Something like a year ago? A. Yes sir.
Q Did she ever get a diverce from Sam Bluss? A. Yes sir.
Q Have you a copy of the decree of divorce that she got from him? A. No sir.
Q Were you ever married before you were married to this wife? A. Yes sir.
Q How many times? A. One time.
Q When were you married to your first wife? A. I was married to her when I was 25 years old.
Q That was about 12 years ago was it? A. Yes sir.
Q Where were you married that first time? A. Yell county. Arkansas.
Q What was her name before you married her? A. Malinda Barricks.
Q What was her fathers name? A. John Barricks.
Q Is your wife Malinda dead? A. Yes sir.
Q When did she die? A. Been dead about 8 years, we just lived together 5 years.
Q Did you seperate then? A. No sir, she died then.
Q You and she lived together until she died did you? A. Yes sir.
Q Then that is the only time that you were ever married except to this woman to whom you are now married? A. Yes sir that is all.
Q Where does Annie live now? A. On Grand River, with Suggis Saunders
Q Where was she born? A. In the Cherokee Nation so she told me.
Q How long has she lived in the Cherokee Nation? A. All her life no she says.
Q You say that you and she are seperated? A. Yes sir.
Q Have you a diverce from her? A. No sir.
Q How long did you and she live together? A. About three years.
Q What was the cause of the seperation? A. I took sick and was in bed three years and while I was sick she left me
Q Did she abandon you? A. Yes sir.
Q Has she married since? A. No sir. Not as I know.
Q What name does your wife go by now? A. Annie Meunce I believe.

1896 roll, page 769, No 1405, Annie Meunts, Goingsnake Dist, N. C.

Q Have you ever married since you seperated from your wife? A. No sir

The applicant shows that he was married to his wife under the Cherokee laws on the 26th of February, 1896. He is a white man. He states that she is a Cherokee by blood. She is not identified on the roll of 1880, but she is identified with reasonable certainty on theroll of 1896 as a native Cherokee. He states that she has lived in the Cherokee Nation all her life. He makes no application for her enrollment as they have seperated. He was once previously married but he states that his former wife was dead when he contracted marriage with his present wife, from whom he has never obtained a diverce, though they seperated after living together some three years. He states that she left him and that he has never remarried since said seperation. She was previously married three times. It appears that her first husbands were dead before the marriage of the applicant, but her third husband was living and no decree of diverce is supplied at this time . The applicant himself is not identified on any of the rolls of the Cherokee Nation, but giving him the benefit of all doubts that may exist in his case and exercising jurisdiction by reason of his Cherokee marriage license,

[redacted]

[redacted]

R440

R440

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 3 1900

Acting Chairman.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 8 1908 Dec. 1 1908.

No. 37 Abraham Monroe Kansas I.T.

District _____ Year _____ Page _____ No. _____

Citizen by blood M Mother's citizenship _____

Intermarried citizen yes

Married under what law _____ Date of marriage 1896 Feb. 24th.

License _____ Certificate _____

Wife's name _____

District _____ Year _____ Page _____ No. _____

Rejected

Citizen by blood _____ Mother's citizenship _____

Intermarried citizen _____

Married under what law _____ Date of marriage _____

License Filed DEC 8 1908 Certificate Filed DEC 8 1908

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
JUL 30 1902
[illegible]
Clerk Commission

MARRIAGE LICENSE.

[illegible], Common Nation, Sulphur Springs District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. A. W. Stevens, a citizen of the United States, and Mrs. Annie Butt, a citizen of the Choctaw Nation, and you are required to return this License to me for record within thirty days from the celebration of said Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 24 day of Feb. 1896.

(SEAL)

(Signed) W. E. Wright,
Clerk Sulphur Springs District.

This is to certify that I G. W. Gordon a minister of the gospel did unite in matrimony on this the 25 day of February 1896 Mr. A. W. Stevens and Mrs. Annie Butt

witness my hand this the 25 day of February 1896.

(Signed) G. W. Gordon.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 20 1896.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original filed in evidence in the matter of the application for enrollment of A. W. Stevens as citizen of the Choctaw Nation.

Francis Ostrander
Clerk.

D R/440

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1904

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Abraham Nunnee, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 449, it is entitled Abraham Nunnee, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 449.

(Copy)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREARINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 448.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Abraham Monroe,

Kansas, Indian Territory.

Sir:

On the 24 day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and enroll all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share

in the lands of the Cherokee Nation,

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1896. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage,no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you are a white man; that you were married by authority of a Cherokee marriage license on the 26th day of February, 1896, to Mrs. Annie Batt, a

citizen by blood of the Cherokee Nation, from whom you are now separated, it appearing that she left you while you were sick. You are not identified on the Cherokee census roll of 1896, and your marriage to Annie Batt, was subsequent to the enactment of the Cherokee marriage law of December 16, 1886, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted],

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 11 1902

Abraham Thomas

Ruth

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902
ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2109-1902.
D. C. 6201-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Abraham Mounce, R 440, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

Referring to sections 666, 667 and 668 of the Chickasaw Law compiled in 1892, the Acting Commissioner states that it has been found that the applicants were married to citizens of the Chickasaw Nation, but that such marriages were not performed in accordance with the laws of the Chickasaw Nation.

This is not correct, however, as in some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R Ed, Charles Hunter, the marriage was performed in accordance with Chickasaw laws on the 21st day of December 18, 1898, and was properly recorded in the clerk's office on December 20, 1898, and the marriage of that law applied on August 1, 1898, etc. Moreover, the sections in reference to marriage with a "Chickasaw, Delaware or Choctaw woman." The Chickasaw laws do not deal with those cases in accordance with your findings.

It appears that Ella Lafferty was married to a Chickasaw Indian not according to Chickasaw law subsequent to December 16, 1898, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
APR 24 1902
FILED
ASSISTANT CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood,- Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 658, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
R.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

Acting Chairman

Cherokee R-440

Muskogee, Indian Territory, April 17, 1908.

Mr. Abraham Monroe,

Hanson, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 24, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Registrar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-440.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Abraham Mounce, Cherokee No. R 440, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee B-440

Muskogee, Indian Territory, July 31, 1902.

Abraham Bunnes,

Kansas, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on February 26, 1896, to Mrs. Annie Butt.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-191.

Cher R 441

Cher R 441

Q441 a

MISSION TO THE FIVE CIVILIZED
FILED
DEC

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, [illegible], 1900.

In the matter of the application of David L. Thompson for the enrollment of himself and wife as Cherokee citizens. He being sworn testified as follows:

Q What is your name? A. David L. Thompson.
Q How old are you? 22.
Q What is your post office? A. Tahlequah.
Q What district did you live in? A. Tahlequah.
Q Are you a son of John F. Thompson? A. Yes sir.
Q And your mothers maiden name Martha Thompson? A. Yes sir, Amanda C.
Q Did you come here with the North Carolina Cherokees in 1851? A. Yes sir.
Q Have you lived here ever since? A. Yes sir.
Q You apply for the enrollment only of yourself do you? A. I am married, married a white woman.
Q Have you any family except your wife? A. No sir.
Q What is the name of your wife? A. Almeadia.
Q How old is she? 18.
Q Is she a Cherokee or white woman.
Q White.
Q When were you married to her? A. In June.
Q Never married except to her? A. No sir.
Q Was she ever married except to you? A. No sir.
Q Have you a certificate of your marriage? A. No sir I have only this paper.
Q What was your wifes name when ye married her? A. Almeadia Carroll

The applicant presents a marriage certificate showing that on the 24th of June, of the present year he and his wife, as stated by him, were married by Rev. Nicholas Bitting. This is filed herewith.

1896 roll, page 1248, No 5242, David L. Thompson, Tahlequah dist.

The applicant applies for the enrollment of himself and wife. He is shown to have been admitted as a North Carolina Cherokee in 1851. He has lived in the Cherokee Nation ever since; he is identified on the roll of 1896 as a Native Cherokee and he will be listed now for enrollment as a Cherokee by blood. His wife is a white woman; they were married in June of the present year; this is too late under the Cherokee law of 1896 for her to acquire rights of Cherokee citizenship by inter-marriage, and the application for her enrollment is therefore rejected.

Chas. von Weise states on oath that he reported in full the above proceedings and the same form a full, true and correct transcript of his stenographic notes thereon.

Chas. von Weise

Subscribed and sworn to before me this the [illegible] of December, 1900.

[illegible]
Commissioner.

R441

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 3 1900
Secretary Commission

CHEROKEE SIGNERS AND ADOPTION.

R441

TAHLEQUAH.

Application of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 3 1900 1900.

Name TAHLEQUAH.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Alameda Thompson, nee Carroll

District Year Page No.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Date of marriage June 1900

License Certificate Filed DEC 3 1900

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

R441

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 14 1902
ACTING CHAIRMAN.

R-441.

CERTIFICATE OF MARRIAGE.

TAHLEQUAH, INT. TERR.

_____ 19__

I, Nicholson Bitting, a minister of the Gospel, do hereby certify, that on the 24th day of June, A. D. 1900, I did duly and according to law, solemnize the Rites and publish the Banns of Matrimony, between the parties herein named, David L. Thompson and Amanda Carroll.

Witness my hand this 3rd day of December A. D. 1900.

Nicholson Bitting,
A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of

Almeda Thompson as citizen of the Cherokee Nation.

Commissioner.

D R/441

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JAN 30 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Almeda Thompson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and forty-one, it is entitled Almeda Thompson, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-441.

E R441

DEPARTMENT
COMMISSION TO THE
FILED
JAN 30 1902

ACTING CHAIRMAN

Cherokee No. R-441

Muskogee, Indian Territory,

January 28, 1908.

Mrs. Alberta Thompson,

Tahlequah, Indian Territory.

Madam:-

On the 3rd day of December, 1900, your husband, David L. Thompson, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. Itis as follows:

> "That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white woman; that you were married on the 24th day of June, 1900, to David L. Thompson, your said husband, a citizen by blood of the Cherokee Nation. You are not identified on the Cherokee Census Roll of 1896, and your said marriage was contracted after the enactment

of the Cherokee law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this applicationis enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decisionof the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby.

Acting Chairman.

Register.

(COPY)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

273 inclosures.

[illegible]

DEPARTMENT OF THE INTERIOR,

I.T.D.[illegible]-1908.
D. O. 2457.

WASHINGTON,

February 25, 1908.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 22, 1908, rejecting the application of Almeda Thompson, enrollment No. 441, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of the Department of even date in the case of Wm. J. Smith, memorandum No. 332.

Respectfully,

Thos. Ryan,
Acting Secretary.

Space, N 42.

Muskogee, Indian Territory, March 14, 1902.

Almeda Thompson,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-441.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Almeda Thompson, Cherokee No. R. 441, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Cherokee-R-441.

Muskogee, Indian Territory, April 18, 1902.

Mrs. Almeda Thompson,
Tahlequah, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 24th day of June, 1896, David L. Thompson.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Enck.-441.

Cner R 442

Cner R 442

COMMISSION ON THE FIVE CIVILIZED TRIBES
FILED
DEC. 8 1908

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd 1898.

In the matter of the application of Seth K. Gordon for enrollment as a Cherokee citizen. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Seth K. Gordon.
Q How old are you? A. 38.
Q What is your post office? A. Campbell.
Q What district do you live in? A. Illinois.
Q Who is it that you want to have enrolled now? A. Myself.
Q Do you apply as a Cherokee citizen by blood? A. No sir, by adoption.
Q You are a white man? A. Yes sir.
Q What is the name of your wife? A. I think she appears on the roll as Mattie Gordon.
Q What was her maiden name? A. Hair.
Q How old is she? A. 21.
Q Were you ever married except to her? A. No sir.
Q Was she ever married except to you? A. No sir.
Q What is her fathers name? A. Jesse Hair.
Q Is he dead? A. Yes sir.
Q What is her mothers name? A. Fannie.
Q Is she dead or alive? A. Alive.
Q Has your wife lived in the Cherokee Nation all her life? A. Yes sir.

Applicant presents a marriage license issued by the Clerk of the United States Court for the Northern District of the Indian Territory on the 23rd of October 1897, authorizing marriage between himself and his wife as stated by him, and a certificate showing that they were united in marriage on the 24th of the same month and within the same year by the Rev. J. F. Wessner. This is filed herewith.

1880 roll, page 549, No 973, Martha H. Hair, Illinois dist.
1896 " 323 " 323 Mattie Hair, "

Q You and your wife have lived together ever since you were married have you? A. Yes sir.

The applicant applies for the enrollment of himself as a Cherokee by inter-marriage. He is a white man. He is shown to have married his wife in accordance with the laws of the United States, the license and certificate filed herewith being issued by the Clerk of the United States Court for the Northern District of the I. T., and the marriage is shown to have taken place on October 24th 1897. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. Neither of they were ever previously married and they have been living together ever since their marriage, but said marriage not having taken place under a Cherokee license and being too late also under the Cherokee law of 1892 to entitle applicant to any rights of citizenship, his application for enrollment is therefore rejected.

Chas. van Hoof being sworn states that the above was reported in full by him and the same is a true and correct transcript of his stenographic notes thereon.

Charles van Hoof

Subscribed and sworn to before me this the 3rd of December 1898

[illegible]
Commissioner

13

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 3 1900

ACTING CHAIRMAN.

Page 2

CHEROKEES BY BLOOD AND ADOPTION. 6

Date DEC 3 1900 1900.

32 Name Seth K. Cordon, Campbell I.T.

District Year Page No.

Citizen by blood Yes Mother's citizenship Yes

Intermarried citizen Yes

Married under what law U.S. Date of marriage Oct. 24, 1897

License Certificate

Wife's name

Rejected

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed DEC 3 1900 Certificate Filed DEC 3 1900

Names of Children:

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Rejected

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

Dist. Year Page No. Age.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Fred A. Blanton, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument herein attached was filed for record in my office the 28 day of Feb. 19 7, at M., and duly recorded in Book 7, Mortgage Record, Page 280.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 28 day of Feb. A. D. 19 7.

Fred A. Blanton Clerk,

By Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 30 1907

Stenographer to the above named Commission

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of S. E. Rogers as citizen of the Cherokee Nation.

Francis S. Bitzer Jr.
Commissioner.

MARRIAGE LICENSE.

S-442

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss. No. 272.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. S. K. Gordon, of Campbell, in the Indian Territory, aged 20 years, and Miss Martha Hale, of Campbell, in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 26 day of October September A. D. 189 2.

(SEAL) (Signed) James A. Hanston
Clerk of the U. S. Court.

By (Signed) Benton S. Young Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, J. F. Weaver, a Minister of the Gospel, Do Hereby Certify, that on the 26 day of October, A. D. 189 2, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 26 day of October A. D. 189 2

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 102.

(Signed) J. F. Weaver
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, Jas A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 26 day of Oct 189 7, at ..... M., and duly recorded in Book 7, Marriage Record, Page 180.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 27 day of Oct, A. D. 189 7.

Jas A. Winston Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 29 190 2

I, the undersigned, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of S. K. Gordon as citizen of the Cherokee Nation.

Frances S. Bitelite
Stenographer.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 30 1902
Acting Chairman

R 47

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 24 1902

ACTING CLERK

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Seth K. Gordon, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 442, it is entitled Seth K. Gordon, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. D-R.442.

(COPY)

Cherokee No. R-442

Muskogee, Indian Territory,
February 14, 1902.

Mr. Seth K. Gordon,
Campbell, Indian Territory.

Sir:-

On the third day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation. It appears from the evidence in this case that you are a white man; that you were married by authority of a marriage license issued by the Clerk of the United States Court, in the Indian Territory, for the Northern District, on the 24th day of October, 1897, to one Martha Hair, a citizen by blood of the Cherokee Nation. It does not appear that you were ever married to said Martha Hair by authority of a Cherokee marriage license, neither does it appear that you are identifiedon the Cherokee Census Roll of 1896, or upon any other roll of the Cherokee Nation.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the act of Congress approved June 28th, 1898, (30 Stats. 495), and are as follows:

"That in making rolls of citizenship of the several tribes, as required bylaw, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are

found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on anyother rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried white persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331, of "Laws of the Cherokee Nation,"(1892), and are as follows:

"Section 659: - - -every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, a citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactoryshowing to such clerk that he has not a surviving wife from whom he has not been lawfully divorced. - - -"

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

Under the foregoing Cherokee law as applied to the facts in this case,it is considered that you never acquired the rights of an"intermarried white person entitled to citizenship under Cherokee laws."

R 442 3

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) [redacted] T. B. Needles.

As [redacted]

Commissioner in Charge.

Enclosure:

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 16 1902

ACTING CHAIRMAN.

L.R.R. 19541. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1891-1902.
D. C. 5785-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton for enrollment as an intermarried citizen of the Cherokee Nation, R 8, you are advised that the application of Seth K. Gordon, R 448, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

DEPARTMENT OF THE INTERIOR,
COMMISSION OF INDIAN AFFAIRS
APR 1 1892
Acting Chairman

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. D. 1036-1908.
1826-1908.
D. O. 6780-1902.

April 8, 1908.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, R. G., transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1880 in Arkansas, and according to Cherokee law. In your decision you refer to Section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "laws of the Cherokee Nation," constitution of 1892, viz:

"Section 639. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from one of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been legally divorced. . . . . .

"Sec. 200. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 201. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinafore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1904, recommends that your decision be concurred in.

It is also said that the clerk refused to obey you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

2 inclosure.

[illegible]

[illegible], Indian Territory, April 15, 1902.

Mr. Seth K. Gordon,

Ardmore, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Commissioner.

Registrar.

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. SCHRIVER.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-442.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 18, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Seth K. Gordon, Cherokee No. B-442, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-448

Muskogee, Indian Territory, July 31, 1902.

Seth K. Gordon,

Campbell, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on October 24, 1897, to Miss Martha Hair.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-126.

Cher R 443

Cher R 443

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December, 3rd, 1830

In the matter of the application of William H. Dalmore for the enrollment of his [illegible] and wife as Cherokee citizens. No being known before the undersigned, I submit as follows:

[illegible] William H. Dalmore.

[illegible] your age?

[illegible] 38.

[illegible] your post office?

[illegible] Dalmore.

[illegible] live in Cherokee District?

[illegible] Yes sir.

[illegible] is your wife living?

[illegible] Yes sir.

[illegible] married?

[illegible] Yes sir.

[illegible] married?

[illegible] Yes sir.

[illegible] your wife's name?

[illegible] Dalmore.

[illegible] is your wife?

[illegible] is a white woman.

[illegible] have been living in the Cherokee Nation?

[illegible] my life.

[illegible] of June 28th 1898?

[illegible] Yes sir.

[illegible] Dalmore.

[illegible] Yes sir.

[illegible] Dalmore.

[illegible] Yes sir.

[illegible] Dalmore.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd, 1900

In the Matter of the application of William M. Quinger for the enrollment of himself and wife as Cherokee citizens. He being sworn before Commissioner Breckinridge, testified as follows

Q What is your name? A William M. Quinger.
Q What is your age? 28
Q What is your post office? A. Tahlequah.
Q Do you live in Tahlequah district? A. Yes sir.
Q Who is it that you desire to have enrolled? A. Myself and wife.
Q Are you a Cherokee by blood? A. Yes sir.
Q What is your wife? A. She is a white woman.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Are you on the roll of 1880 A. Yes sir.
Q What is your father's name? A. F. W. Quinger.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Martha L.
Q Is she living? A. Yes sir.
Q What is the name of your wife? A. Maurine.N.
Q How old is your wife? 27.
Q When were you married to her? A. The 27th Dr December, 1899.
Q Have you a certificate of marriage and a license? A. No sir I haven't it with me.
Q What was her name before you married her? A. Taylor
Q That was her maiden name was it? A. Yes sir.
Q She was never married except to you? A. No sir.
Q Were you ever married except to her? A. No sir.
Q Have you and she lived together ever since your marriage? A. Yes sir.

1880 roll, page 79, No 841, W. M. Quinger, Tahlequah,
1896 1174 1198 William M. Quinger,

The applicant applies for the enrollment of himself and wife. He is identified on the 1880 roll and 1896 roll as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed now for enrollment as a Cherokee by blood. He states that he was married to his wife on December 27th 1899, she is a white woman. They have lived together continuously ever since their marriage. He is not able at this time to furnish the Commission with a certificate of his marriage and is desired to supply same in order to complete the ~~[illegible]~~ record of the application for his wife. The marriage having taken place after the passage of the Cherokee law of December 16 1898, it is too late to entitle her to enrollment at this time, and the application for her enrollment is therefore rejected.

Chas. von Weise on oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and the same is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 3rd of December, 1900

Commissioner.

CHEROKEES BY BLOOD AND ADOPTION

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1908

Commissioner.

TAPE

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date ..... 1900.

Name Tahlequah I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen Rejected

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Maurine M. Gulager, nee Taylor

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship US.

Intermarried citizen Yes.

Married under what law ..... Date of marriage Dec. 27, 1899

License ..... Certificate .....

Names of Children:

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Marriage license & cert. to be supplied.

R443

COMMISSION TO THE FIVE CIVILIZED
FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Emerine N. Quinger, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number N. four hundred and forty-three, it is entitled Emerine N. Quinger, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

2005

(6687)

1902

CONTEST CASE No. 6.

COMMISSIONERS:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Alexander L. Stephens,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mrs. Caroline M. Salager,
Tahlequah, Indian Territory.

Madam:

On the 24 day of December, 1901, your husband, William M. Salager,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that [redacted]

married on the [redacted] day of [redacted], 190..., to one [redacted],

[redacted] a citizen by blood of the Cherokee Nation, that you and your

[redacted] have lived together continuously since your marriage, that you are [redacted]

identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of

[redacted] as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to [redacted] as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted]

Enclosure.

Register.

[redacted]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible]

R 443

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 5, 1902.

I. T. D. 2110-1902.
D. C. 6278-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Maurine M. Gulager, R 443, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902
ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1850-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-448

Muskogee, Indian Territory, April 17, 1902.

Minerine M. Gulager,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Registar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-443.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Maurine M. Gulager, Cherokee No. R.443, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 444

Cher R 444

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 8 1900

Applicant's husband REJECTED

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 24, 1900.

In the matter of the application of Emma Jackson for the enrollment of herself, husband and children as citizens of the Cherokee Nation; said Jackson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name, please? A Emma Jackson.
Q How old are you? A 24.
Q What is your post office? A Oaks.
Q In what district do you live? A Going Snake.
Q Who is it you want to have enrolled, yourself and family? A Yes sir.
Q Have you a husband? A Yes, sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes, sir.
Q What is your husband? A He is a white man.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir
Q Give me the name of your father? A David Israel.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Martha.
Q Is she dead? A Yes, sir.
Q When were you married? A Last December, the 14th of last December.
Q Were you ever married before that? A Yes, sir.
Q How many times before this marriage? A Just once.
Q When were you married the first time? A I forget what year it was now.
Q Who was it you married the first time? A John Masten, he is a white man.
Q You do not know how long since you married him? A No, sir, I do not know exactly.
Q Is he dead? A No, sir.
Q How long since you and he quit living together? A It has been about five years.
Q Did you get a divorce from him? A Yes, sir.
Q Have you got a copy of the decree of divorce? A No, sir.
Q When did you get your divorce? (No response.)
Q Q You applied for the divorce did you? A Yes, sir.
Q Was the divorce granted to you or to him? A To me.
Q On what grounds did you apply for divorce? A He run off and left me.
Q And then you applied for a divorce? A Yes, sir.
Q Have you any children by that marriage? A I have one.
Q Is that child living with you? A Yes, sir.
Q Did the Court give you the charge of the child? A Yes, sir.
Q Now, give me the name of your present husband? A John Jackson.
Q You married him just last december, about a year ago A Yes, sir
Q And he is a white man? A Yes, sir.
Q Have you got a copy of your marriage license and certificate? A Yes, sir.
Q Hiw name is John T. Jackson is it? A Yes, sir.

Con't:d-The applicant presents a license issued by the Clerk of the Northern district, Indian Territory, 14th day of December, 1900, authorizing marriage between herself and her husband, as stated by her, and the certificate shows that on the 14th of the same month and in the same year, they were united in marriage by the Rev. S. Hanfelt. This is filed herewith.

Q How old is your husband, John Jackson? A He is 26 years old.
Q Was he ever married except to you? A Yes, sir, he has been married before.
Q How many times? A Just once.

Q Was that wife dead before he married you? A Yes, sir.
Q Was his former wife a white woman? A Yes, sir.
Q You are the first Cherokee wife he has had? A Yes, sir.
Q Now, give me the names of these children, please? A Rosa Hasten.
Q How old is this child, Rosa? A She is 10 years old.
Q Now, give me the name of the next child? A Joe Velvey Jackson.
Q How old is that child? A He is six weeks old.
Q These children are both living now are they? A Yes, sir.
1880 Roll; page 771, #1090, Emma Israel, Tahlequah.
Q Did you take your other name when you left him? A No, sir, the lasttime I had my name put down was as Hasten.
Q What district were you in? A Going Snake.
1896 Roll; page 754, #991, Emma Hastings, Going Snake.
1896 Roll; page 754, #992, Rosie Hastings, Going Snake.

Com'r Breckinridge:--The applicant applies for the enrollment of herself, her husband and two children: She is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee nation all her life and she will be listed for enrollment as a Cherokee by blood. Her change of name is established by the marriage license and certificate filed herewith. Her child of her first husband, Rosa Hasten, is identified on the roll of 1896. She is living now and will be listed for enrollment as a Cherokee by blood. The child of the present marriage, Joe V. Jackson, will also be listed for enrollment as a Cherokee by blood when she files a certificateof its birth.

Her present husband is said to be a white man. He is shown to have married her in December, 1899, too late under the Cherokee law of 1895 for him to acquire the right of enrollment at this time. The marriage also took place under United States law as shown by the license and certificate filed herewith, and it should be further noted that the applicant states that she had a divorce from her first husband, but does not at this time file a copy of the decree.

---eeeOOOeee---

J. O Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 3d day of December, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 3 1900
ACTING CHAIRMAN

CHEROKEES BY BLOOD AND ADOPTION

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 18 1900 1900.

Name John T. Jackson Oaks I. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood Yes Mother's citizenship .....

Intermarried citizen Yes

Married under what law Ms. Date of marriage (1899)

License ..... Certificate .....

Wife's name Rejected

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Northern District.

I, James A. Blanton, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument herein attached was filed for record in my office the 30 day of Dec. 189 8, at M., and duly recorded in Book I, Marriage Record, Page 157.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 30 day of Dec, A. D. 189 8.

Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 29 190 2

I, the undersigned, Stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of John T. Jackson as citizen of the Cherokee Nation.

Frances S. Bateyfish

Commissioner.

MARRIAGE LICENSE.

R-444

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. 1178.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. John T. Jackson, of Pryor Creek, in the Indian Territory, aged 43 years, and Mrs. Emma Hastain, of Pryor Creek, in the Indian Territory, aged 30 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at ~~Muskogee~~ Vinita, Indian Territory this 12 day of December A. D. 1899.

(SEAL) (Signed) Jas. A. Winston
Clerk of the U. S. Court.

By (Signed) J.C.Anderson Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, C. Hoefelt, a Minister of the Gospel, Do Hereby Certify, that on the 14 day of December, A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 14 day of December A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book 3, Page 30.

(Signed) C. Hoefelt
A Minister of the Gospel.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of Dec 189 2, at M., and duly recorded in Book I, Marriage Record, Page 187.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 30 day of Dec, A. D. 189 2.

Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 29 190 2

I, the undersigned, stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of John T. Jackson as citizen of the Cherokee Nation.

Frances S. Bateffish
Commission.

R44.1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 24 1902

Acting Chairman

COPY

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John T. Jackson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 444, it is entitled John T. Jackson, and is known as a Cherokee rejected application.

Respectfully,

T. B. Needles.

~~Acting Commissioner.~~

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Encl. C.R.444.

(COPY)

Cherokee case No. R-444

Muskogee, Indian Territory, February 14, 1902.

Mr. John T. Jackson,

Oaks, Indian Territory.

Dear Sir:-

On the 3rd day of December, 1900, your wife, Emma Jackson, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man; that you were married by authority of a marriage license issued by the clerk of the United States Court in the Indian Territory, for the Northern District, on the 14th day of December, 1899, to your said wife, who is a citizen by blood of the Cherokee Nation. It does not appear that you are identified on the Cherokee Census Roll of 1896, nor upon any other roll of the Cherokee Nation. Neither does it appear that you were ever married to your said wife by authority of a Cherokee marriage license.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the act of Congress approved June 28th, 1898, (30 Stats., 495); and are as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll

intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331, of "Laws of the Cherokee Nation," (1892), and are as follows:

"Section 659: - - -every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware or Shawnee" woman, a citizen of this Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk thathe has not a surviving wife from whom he has not been lawfully divorced. - - -."

"Section 663: No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal."

Under the foregoing Cherokee law as applied to the facts in this case, it is considered that you never acquired the rights of an intermarried white person entitled to citizenship under

R 444 3

Cherokee laws.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles

BY (Signed) [redacted]

[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 16 1902

ACTING CHAIRMAN

L.R.S. 19541. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1892-1902.
D. O. 5787-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of John T. Jackson, R 444, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos Ryan,
Acting Secretary.
E.M.D.

[illegible]

[illegible]

[illegible]

L. R. S.

D. P.

DEPARTMENT OF THE INTERIOR,

CHEROKEE

L. R. D. 1898-1908.
1890-1908.
D. C. 5760-1908.

April 21, 1908.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of [illegible] for enrollment as a Cherokee citizen by intermarriage, R. S., accompanied with your letter of February 14, 1908, and decision of the date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, and according to the laws thereof. In your decision you refer to section 30 of the act of June 28, 1898 (30 Stats. 495), which provides that such enrollment shall entitle such intermarried white persons as may be entitled to citizenship under Cherokee laws, and to the "laws of the Cherokee Nation, " application of same, etc.

"Section 30. . . . Every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts and make bond or satisfactory showing to such clerk, that he has not a wife living, and from then on he has been faithfully observant

"Sec. 600. Every white man or person applying for licence, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter."

"Sec. 603. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 31, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.M.

1 inclosure.

[illegible] Dated.

[illegible], Indian Territory, April 28, 1908.

Mr. John T. Jackson,

[illegible], Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 24, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Registrar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRICKINRIDGE.

ALLISON L. AYERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-444.

[illegible] TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 16, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John T. Judson, Cherokee No. R-444, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-444

Muskogee, Indian Territory, July 31, 1902.

Emma Jackson,

Oaks, Indian Territory,

Dear Madam:

When you applied to this Commission for the enrollment of John T. Jackson as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on December 14, 1899, to said John T. Jackson.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-267.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory. FEB 1 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 [illegible] in the matter of the application of John T. Jackson for enrollment as a citizen of the Cherokee Nation

[illegible]
Attorney for Cherokee Nation

Cherokee No. R. 444.

Cher R 445

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 2nd, 1896.

IN THE MATTER OF THE APPLICATION OF Green Still for the enrollment of himself, wife and children as citizens of the Cherokee Nation, he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Green Still.
Q How old are you? A About twenty-eight I guess.
Q [illegible] A Nipan Springs.
Q [illegible] A Delaware.
Q [illegible] citizen of the Cherokee Nation? A Yes, sir.
Q [illegible] A My and my wife and children.
Q What is the name of your wife? A Minnie.
Q [illegible] A No, sir.
Q Have you any certificate of marriage? A Yes, sir.

By Commissioner T. B. Needles: The applicant presents a marriage license and certificate of marriage, certifying that he was married to one, Minnie Starks, according to the laws of the State of Arkansas, on the 2nd day of July, 1892.

Q What is the age of your wife? A Her age is on here; I do not know exactly.
Q [illegible] (No response)
Q What are the names of your children? A The oldest is named [illegible]
Q How old is she? A Six years old.
Q [illegible] the part one? A Yes, sir.
Q [illegible] A Yes, sir.
Q [illegible] A No, sir.
Q [illegible] (Clerk of this company calls)
Q [illegible]
Q [illegible] other one? A No, sir.
Q [illegible] living with you at this time? A Yes, sir.
Q [illegible] first wife? A No, sir.
Q [illegible] living? A I reckon so; I do not know.
Q [illegible] from her? A No, sir.
Q [illegible] name? A Sarah Still.
Q [illegible] A Yes, sir.
Q What is your mother's name? A Mary Still.
Q Is she living? A Yes, sir.

[illegible] Page 1[illegible], Green Still, Delaware District)
[illegible] Page 1[illegible], Green Still, Delaware District)
[illegible] Page 1[illegible], (Minnie Still, Delaware District, Ind.)
[illegible] Page 1[illegible], Sarah Still, Delaware District)

Q Have these two children living with you now? A Yes, sir.
Q What is the name of your first wife? A Martha Still.
Q How long did you married to her? A Eighteen nine or ten years ago.
Q Is she a citizen by blood or by marriage? A Not citizen.
Q Is she living now, or not? A I do not know for sure whether she is or not.
Q Did you have any divorce from her when you married your other wife? A No, sir.

By Commissioner T. B. Needles: The name of Green Still appears upon the roll of 1896, as well as the roll of 1880, as a citizen by blood, according to the roll and records of the Cherokee Nation. Satisfactory proof of his identity, as well as his enrollment as a citizen of the Nation, by blood.

[illegible]

[illegible]

[illegible]

[illegible]

(Signed) L. A. [illegible]

[illegible]

(Signed) A. A. [illegible]

[illegible]

[illegible]

Arthur A. Grainger

[illegible]

[illegible]

R445

CHEROKEE BY BLOOD AND ADOPTION

DEPARTMENT OF THE INT

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 3 1900

ACTING CHAIRMAN.

Statement of Applicant Filed Under Act

CHEROKEES BY BLOOD AND ADOPTION.

DEC -3 1909

Date ..... 1900.

Delaware Spring Ark

Name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's Name Minnie Still

District DELAWARE. Year 1896 Page 589 No. 512

Citizen by blood yes Mother's citizenship .....

Intermarried citizen Age

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children Regretted

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
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Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

1 wife of Jonn Still

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 30 1902

R-446.

MARRIAGE LICENSE

ACTING CHAIRMAN

STATE OF ARKANSAS COUNTY OF BENTON.

To any Person Authorized by Law to Solemnize Marriage--Greeting:

You are hereby Commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. G. S. Still of Siloam Spa, in the County of Benton and State of Arkansas aged Twenty Five years, and Miss Minnie Stowte of Siloam Springs in the County of

N-445.

MARRIAGE LICENSE.

STATE OF ARKANSAS. COUNTY OF BENTON.

To any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. G. S. Still of Siloam Spa, in the County of Benton and State of Arkansas aged Twenty Five years, and Miss Minnie Storie of Siloam Springs in the County of Benton and State of Arkansas, aged Eighteen years, according to law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 5th day of July A. D. 1898.

(Signed) C. A. Rogers, Clerk.
(Signed) W. T. Gunter, D. C.

(SEAL)

CERTIFICATE OF MARRIAGE.

STATE OF ARKANSAS
COUNTY OF BENTON.

I, Bill F. W. Keith do hereby certify that on the 3 day of July A. D. 1898 I did duly and according to law, as commanded in the foregoing License, solemnize the Rites and publish the Bans of Matrimony between the parties therein named.

Witness my hand this 3 day of July A. D. 1898.

(Signed) Bill F. W. Keith.

My credentials are recorded in the Recorder's office Bentonville County, Arkansas, Book Gee - Page Gee.

CERTIFICATE OF RECORD.

STATE OF ARKANSAS
COUNTY OF _____

I, C. A. Rogers Clerk of the County Court of said County, certify that the above License for, and Certificate of the Marriage of parties therein named, were, on the 5th day of July 1898, filed in my office and the same are now duly recorded on page 391 Book C or Marriage Records.

(Signed) C. A. Rogers, Clerk.

By (Signed) G. A. Rice, D. C.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 29, 1902.

I, the undersigned a stenographer for the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of G. S. Still, as a citizen of the Cherokee Nation.

[signature]

Cherokee R 446

EWM

MEMORANDUM OF THE COMMISSION,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, March 11, 1908.

In the matter of the application of Minnie Still for enrollment as a Cherokee citizen.

Supplemental Statement.

On the 29th day of January, 1908, Mr. Green Still was notified by registered letter to advise this Commission whether his first wife was living, if not to state the exact date of her death. An answer to this letter was received by the Commission on the 12th day of February, 1908, in which applicant states that he has not been his first wife for seven years, that he does not know whether she is dead or not.

On the 12th day of February, 1908, Green Still was again requested to inform this Commission whether his first wife was living in July, 1898, and if so when he last heard of her. He was advised that the matter was very important in connection with the right of Minnie Still to be enrolled and he was urgently requested to make inquiries from any and all parties who would be likely to know the facts.

On the third day of March, 1908, Green Still replying to the Commission's letter of February 17, 1908 stated that he had furnished all the information he could find out that he would not try to find his first wife and declined to come to Muskogee at the opening hearing in the matter.

It is directed that copies of this statement be included in the testimony in the above case.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Minnie Still, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 3, 1900, Green Still appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of himself and his minor children May and Geneva Still as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Minnie Still as a citizen by intermarriage of the Cherokee Nation. At the conclusion of the evidence Green Still was listed on Cherokee Roll Card, Field No. 5339, and the above named children were listed on Cherokee Roll card Field No. 5340. On March 21, 1902, supplemental proceedings were had in the matter of the above application.

The evidence in this case shows that Minnie Still, nee Sterts was married on July 3, 1893 to Green Still, a citizen by blood of the Cherokee Nation. It further appears that the said Green Still was formerly married to one Martha Bell; that he and his said wife Martha Bell were separated, but not divorced, and that he did not know whether the said Martha Bell was living or dead at the time of this application. The correspondence between the Commission and Green Still fails to establish the death of said former wife, and in the absence of any evidence to the contrary the law presumes that she is still living, and the evidence tends to show, as a matter of fact, that she was living at the date of the alleged marriage between Green Still and Minnie Sterts on July 3, 1893. Minnie Still is identified on the Cherokee Census roll of 1896.

The authority of the Commission herein is defined in the fol-

lowing provisions of the Act of Congress, June 28, 1898 (30 Stats. 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

It is therefore the opinion of this Commission that Minnie Still is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for her enrollment as such should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 27 1902

DEPARTMENT OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 15 1902

Muskogee, Indian Territory, January 25, 1902.

Mr. Gideon Still,

Gilbert Springs, Arkansas.

Dear Sir:

Upon an examination of the testimony had in the matter of your application for the enrollment of yourself, your wife and children as citizens of the Cherokee Nation, it appears that you were married prior to your marriage to your present wife, Minnie Still, nee Minnie Starts, on the 3rd day of July, 1893.

You are requested to advise the Commission immediately whether your first wife is living. If not, the exact date of her death.

Please give this matter your prompt attention, as your case cannot be proceeded with until the information requested has been received.

Yours truly,

Acting Chairman.

In answering refer to
Cherokee No. R. 445.

Registry.

Cherokee R 448.

Muskogee, Indian Territory, February 17,1908.

Green Still,

Silom Springs, Ark.

Dear Sir:

Your letter of the 7th instant in answer to the Commission's letter of January 9,1908, has been received. You were requested to advise the Commission whether your first wife is living, and you state in reply that you do not know. Do you know whether she was living in July, 1893? When was the last time you saw her or heard about her? This matter is very important in connection with the right of your present wife to be enrolled, and you are urgently requested to make inquiries from any and all parties who would be likely to know the facts about which information is desired.

You will be given until March 15th next in which to make the necessary inquiries in reference to this matter and to supply this Commission with the desired information. On that day if we do not hear from you the matter of your application for your wife Minnie Still will be taken up and disposed of.

Yours truly,

In answering refer to
Cherokee Case #R448.

Register.

Muskogee, Indian Territory, May 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application of Green Hill for the enrollment of his wife, Minnie Hill, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission dated May 27, 1902, refusing the application for the enrollment of said persons as citizens of the Cherokee Nation.

Very respectfully,

Acting Chairman.

Enl. R-46.

Chor. 7-445.

COPY.

Muskogee, Indian Territory, May 17, 1900.

Minnie Still,

Siloam Springs, Arkansas.

Madam:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Still as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

(SIGNED). Tams Bixby.

Acting Chairman.

Mail. 6-28.

COMMISSIONERS
Kidney L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Andrew L. Ayers, Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Chero. R-448.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Minnie Still as a citizen by intermarriage of the Cherokee Nation.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

Acting Chairman.

Encl. 0-6.

Refer in reply to
the following:
Land
31848-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, June 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record relative to the application of Green Still for the enrollment of himself, his wife, and his children as citizens of the Cherokee Nation.

The record in this case shows that on July 3, 1893, Green Still, who claims to be a citizen of the Cherokee Nation, married Minnie Storts of Siloam Springs, Arkansas in accordance with the laws of that State, and that they are the parents of two children, to wit: May and Geneva Still. The record also shows that said Green Still had theretofore married Martha Bell, a non-citizen, and that at the time of his marriage to Minnie Storts they had not been divorced; also that Minnie Still is not a citizen by blood of the Cherokee Nation.

May 27, 1902, the Commission held that Minnie Still was not entitled to enrollment in the Cherokee Nation as a citizen by intermarriage.

In view of the fact that Minnie Storts did not marry Green Still in accordance with the laws of the Cherokee Nation, and

inasmuch as Green Still had a wife living at the time of their marriage, the office believes that the decision of the Commission is correct, and recommends its approval.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

D. C. No. 13307-1902. J. P.

L. R. S. 48397 EAF.

ITD. 3554-1902. DEPARTMENT OF THE INTERIOR.

Washington, August 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Green Still for the enrollment of his wife, Minnie Still, as a citizen of the Cherokee Nation by intermarriage.

She is identified on the Cherokee census roll of 1896. Still is identified on the 1880 Cherokee roll. It appears that Green Still was married July 3, 1893, to Minnie Still; that he was previously married to one Martha Bell; that he and said Martha Bell separated, but are not divorced; that he did not know whether said Martha Bell was living or not, and you state that the evidence tends to show that she was living at the date of the alleged second marriage. Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), and stating that as there was no proof of the death of the first wife it must be presumed that she is alive, you rejected the application.

Section 687 of the Cherokee laws compiled in 1892 provides that "No marriage shall be contracted whilst either of the parties has a husband or wife living."

Reporting in the matter June 5, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in.

Finding no reason to disturb your decision, it is affirmed for the reasons therein stated. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

1 inclosure.

COPY.

Cherokee 2 415.

Muskogee, Indian Territory, August 22, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commissioner's decision of date May 27, 1902, rejecting the application of Green Smith for the enrollment of his wife, Minnie Smith, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 18th day of August, 1902.

Very respectfully,

James Bixby,

Acting Chairman.

Surname R [illegible]

COPY.

Muskogee, Indian Territory, August 22, 1902.

Green Still,

Silver Springs, Alabama.

Sir:

You are hereby advised that the Commissioner's decision of date May 27, 1902, rejecting your application for the enrollment of your wife, Minnie Still, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 12th day of August, 1902.

Very respectfully,

Tams Bixby,

Acting Chairman.

Chero[illegible] R-445

Muskogee, Indian Territory, July 31, 1902.

Green [illegible],

Siloam Springs, Arkansas,

Dear Sir:

When you applied to the Commission for the enrollment of Minnie Still as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on July 3, 1893, to Miss Minnie Storts.

The same is herewith returnedto you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-192.

Cherokee R-445.

Vinita, Indian Territory, February 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of the Commission's letter of February 5, enclosing original and three carbon copies of testimony taken June 13, 1902, in the matter of the application of Minnie Still, for enrollment as a citizen by intermarriage of the Cherokee Nation, Cherokee R-445; also an agreement signed by Martha Still, relative to a divorce between herself and Green Still.

The copies of the testimony and the agreement are herewith returned. The record in this case shows that on May 27, 1902 a decision was rendered by the Commission denying the application of Minnie Still; that on the same day a copy of the decision was forwarded to the applicant; that on August 13, 1902, the action of the Commission was approved by the Secretary of the Interior, and on August 22, 1902, the applicant was notified of the action of the Department.

The testimony taken June 13, 1902, does not appear to be a part of the record on which the decision in this case was rendered,

but appears to have been taken subsequent to the rendition of such decision.

I desire to be advised if this testimony and agreement should now be made a part of the record in the case.

Respectfully,

Clerk in Charge.

Encl. P-40.

EF

Cherokee R-445
Cherokee D-103
Cherokee D-1146

Winita, Indian Territory, February 27, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

As directed in Commission's letter of February 24, the original jackets and records in the following applications for enrollment as citizens of the Cherokee Nation are transmitted herewith:

Cherokee R- 445,	Minnie Still,
Cherokee D- 103,	Sarah Barnes, et al.,
Cherokee D-1146,	Cora Wilkerson, et al.

Respectfully,

Clerk in Charge.

Encl-2-36
CRS

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, February [illegible], [illegible].

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

There are herewith enclosed several returned [illegible] letters; also the record and jacket in Cherokee R 445, Minnie [illegible], to be filed with the records of the Cherokee Land Office. It is the opinion of this office that the testimony taken by the Commission in the field, after the decision was signed by the Commission, should not be made a part of the record unless the case was reopened.

Respectfully,

[illegible] 1-2.

Commissioner in Charge.

Chem. Library
Chem R 446

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 3rd, 1902.

IN THE MATTER OF THE APPLICATION OF Homer Sterts for the enrollment of himself, wife and children, as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Homer Sterts.
Q Any other name? A Homer "H".
Q How old are you? A About thirty four years old.
Q What is your Postoffice address? A Siloam Springs.
Q What district do you live in? A Going Snake.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q For whom do you apply for enrollment? A My wife and two children.
Q Have you any certificate of marriage? A Yes sir.

By Commissioner T. B. Needles: The applicant presents a duly authenticated marriage license and certificate of marriage, certifying that he was married to one, Margaret Barnett, a Cherokee citizen by blood, on the 29th day of December, 1898.
Q Were you married the same day you got your license? A No sir.
Q You were married the same month, were you? A Yes sir.
Q What are the names of your children? A The oldest one is Beulah.
Q How old is she? A Two years old in a few days.
Q Next child? A Clara May.
Q How old is she? A About four months old.
Q Have you any proof of birth of these children? A No sir.

(1880 Roll, Page 224, #898, Margaret Barnett, Delaware D'st)
(1896 Roll, Page 787, #1880, Margarett Sterts, G. Snake D'st)
(1896 Roll, Page 228, #896, Homer Sterts, G. Snake D'st)

Q Is Margaret your first wife? A Yes sir.
Q Are you her first husband? A Yes sir.
Q Are you living with her? A Yes sir.
Q Are these children living now? A Yes sir.

By Commissioner T. B. Needles: The name of Homer Sterts appears upon the census roll of 1896, and he presents satisfactory proof of his marriage on December 29th, 1898 to one, Margaret Barnett, and the name of his wife is found upon the authenticated roll of 1880, as Margaret Barnett, and upon the census roll of 1896, as Margarett Sterts, her present name. He swears that he has two children, Beulah and Clara May, whose names do not appear upon the census roll of 1896, they having been born after same were compiled. Satisfactory proof as to their residence has been made and they are all duly identified. Consequently, the said Homer Sterts, with his wedded wife Margaret Sterts and children, Beulah and Clara May Sterts will be duly listed for enrollment as Cherokee citizens by blood. It will be necessary in order to complete the enrollment of his children that he file with the Commission proof of their birth. It appears from the testimony that the applicant, Homer Sterts was married on the 29th day of December, 1898, too late for intermarried whites to acquire rights as intermarried citizens. Consequently his application for his own enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 3rd day of December, 1902.

B

R 446

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

34

Date DEC - 8 1900 1900

Name Homer E. Storts Siloam Springs Ark

District GOING SNAKE Year 1896 Page 828 No. 176

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: Rejected

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

1 on 1896 roll

Homer Storts

R. 448.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 23, 1902.

In the matter of the application of Homer H. Starts for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

Upon an examination of the testimony had in the foregoing application it appears that Homer H. Starts, in answer to the question for whom he made application, stated that he applied for his wife and two children. During the course of the examination the examining official fully developed the case of the said Homer H. Starts to be enrolled as a citizen by intermarriage, and in the field decision he was listed for rejection by said official for the reason that he was married subsequent to the Cherokee law of December 16, 1895. Although it is not shown by the testimony in this case that any application was made for the enrollment of Homer H. Starts, it is nevertheless deemed best and proper, under the circumstances, and under the general power and duty of the Commission to pass upon the rights of all possible claimants for enrollment.

It is therefore directed that the name of Homer H. Starts be reported to the Commission for rejection as having married subsequent to the Cherokee law of December 16, 1895.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

Cherokee [illegible]

MARRIAGE LICENSE

Cherokee Nation, I. T. Delaware District

To any Person legally Authorized to Solemnize Marriage--Greeting.

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Homer Storts a citizen of the United States, and Miss Margret Barnett a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such marriage with a certificate of same appended thereto and signed by you.

Given under my hand and seal of Office this the 28th day of December A. D. 1895.

(Signed) J. R. Hastings,
Clerk Delaware District.

(SEAL)

Cherokee Nation, I. T.
Delaware District.

I R. R. Mulkey a mini ster of the gospel hereby certify that on the 29th day of December 1895, I joined in marriage Mr. Homer Storts a citizen of the United States, and Miss Margret Barnett a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the custom and laws of the Cherokee Nation.

Given under my hand this the 31st day of December A. D. 1895.

(Signed) Elder R. R. Mulkey

Recorded this the 4 day of January, 1896.

(Signed) J. R. Hastings,
Clerk Del Dist, C. N.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 24, 1902.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and complete copy of the original offered in evidence in the matter of the application for enrollment of Homer Storts, as a citizen of the Cherokee Nation.

Lucien D. Waterfield

E

R 1146

COMMISSION TO THE FIVE CIVILIZED

FILED

MAR 4 1902

ACTING COMMISSIONER

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Homer E. Starts, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and forty-six, it is entitled Homer E. Starts, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

R 445

(COPY)

(61)

CHEROKEE CASE No. 8 446

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEBLETT,
C. R. MIDDLEVEAR,

ALLISON L. ARGBRIGHT,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mr. Homer R. Morris,

Silom Springs, Arkansas.

Sir:

On the 3rd day of December, 1900,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

2 cas

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 29th day of December, 1898, 190...., to one Margaret Barnett a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure.

Ad[redacted]

Register

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

COMMISSIONER FOR CIVILIZED TRIBES

Retire

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2111-1902.
D. C. 6281-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Homer E. Storts, R 446, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan.
Acting Secretary.
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 26 1902

ACTING CHAIRMAN.

Referring to sections 639, 640 and 641 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R Zi, Charles F. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 639, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1896, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
Eob.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

APR 21 1902

ACTING COMMISSIONER

Cherokee-L-146.

Muskogee, Indian Territory, April 17, 1908.

Mr. Tamer M. Sherba,

Siloam Springs, Arkansas.

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

COMMISSIONERS
TIMOTHY L. DODGE.
TAMS BIXBY.
THOMAS B. NEWLAND.
C. R. BARRINGTON.

ALBERT L. ATLESBERRY,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-S-448.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

SIR:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Henry E. Sterle, Cherokee No. S 448, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-445

Muskogee, Indian Territory, July 31, 1906.

Homer E. Storts,

Siloam Springs, Arkansas,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on December 31, 1895, to Miss Margret Barnett.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-189.

Cher R 447

Department of the Interior,
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 2, 1900.

In the matter of the application of Richard G. Mann for the enrollment of himself, wife and child as Cherokee Citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Richard G. Mann.
Q How old are you? A 38 years old.
Q What is your postoffice address? A Oaks.
Q What district do you live in? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Who do you want to enroll? A Myself and family.
Q What is the name of your wife? A Nora.
Q Was a citizen by blood? A No.
Q Have you any certificate of marriage? A Yes.
Applicant presents a marriage license and certificate certifying that he was married to one Nora Walker, a citizen of the United States, on the 28th day of December, 1898.
Q What is the name of your child? A Henderson L.
Q How old is he? A One year old.
Q Any other children? A No sir.
Q Any proof of birth as to that child? A Yes sir.
1880 roll; page 485, #1122, Quire Mann, Goingsnake district
1896 roll; page 787, #1546, Cury Mann, Goingsnake district.
Q Your wife is named something else besides Nora, isn't she? A Her name is M.Z.
Q How long have you lived in the Cherokee Nation? A All my life.

Commissioner Needles-

The name of Richard G. Mann appears upon the authenticated roll of 1880 as well as the census roll of 1896. He makes proof of his marriage to one M. Z. Walker, a non citizen, in the year 1898, which he has one child, named Henderson L., and he presents satisfactory proof of birth of said child, it not being on the roll; he being duly identified. Said Richard G. Mann and child, Henderson L., will be duly listed for enrollment as Cherokee citizens by blood. His application for the enrollment of his wife will be refused, he having married too late under the laws of the Cherokee Nation for her to acquire any rights as a citizen as an intermarried white.

E.B.Rothenberger, being duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full true and correct transcript of his stenographic notes in said case.

E. B. Rothenberger

Subscribed and sworn to before me this 2nd day of December, 1900.

T. B. Needles

Commissioner.

R447

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 3 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC - 3 1900 1900.

Name Osako I. D.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Zora Mann

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children: Registered married Ten

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

wife of R. C. Mann

Commissioner.

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 28 day of Feby 189 9, at ..... M., and duly recorded in Book "G", Marriage Record, Page 456.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 28 day of Feby, A. D. 189 9.

Jas. A. Winston, Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 190 8.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Zora Mann as citizen of the Cherokee Nation.

Commissioner.

447 B

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. [illegible].

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. [illegible], of Oaks, in the Indian Territory, aged 27 years, and Miss Zora Walker, of Oaks, in the Indian Territory, aged 22 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 28th day of December A. D. 189[illegible].

Jas. A. Winston
Clerk of the U. S. Court.

By H. W. C. Shelton Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, H. W. C. Shelton, a Deputy Clerk U. S. Court [illegible] Certify, that on the 28 day of December, A. D. 189[illegible], I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 28 day of Dec. A. D. 189[illegible].

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book [illegible], Page [illegible].

H. W. C. Shelton
Deputy Clerk, U. S. Court.

D. Rauh

COMMISSIONERS

FILED

JAN 1 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Zera Mann, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and forty-seven, it is entitled Zera Mann, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-447.

Cherokee case No. R-447

Muskogee, Indian Territory, January 28, 1902.

Mrs. Zora Mann,

Oaks, Indian Territory.

Madam:-

On the 3rd day of December, 1900, your husband, Richard Mann, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll allpersons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nations or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council, and was approved December 16, 1893. It is as follows:

"That from and after the passage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 14, sections 659 to sec. 669, inclusive pages 329, to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married to Richard Mann, your said husband, who is a citizen by blood of the Cherokee Nation, on the 25th day of December, 1898; you are not identified on the Cherokee Census Roll of 1896, and

JAN 1933

your said marriage was contracted after the enactment of the Cherokee law of December 24,1890, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,
Acting Chairman.

Enclosure.

(6077)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 135 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 26, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 332 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

CAN
D

273 inclosures.

DEPARTMENT OF THE INTERIOR.

I. T. Division. WASHINGTON,
E. C. Lady.

February, 22, 1902.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January 23, 1902, rejecting the application of Zara Ham, memorandum R. 447, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with decision of even date in the case of Wm. J. Smith, memorandum R.[illegible].

Respectfully,

Thos. Ryan,
Acting Secretary.

Cherr. R 447.

Muskogee, Indian Territory, March 14, 1902.

Zora Mann,

Oaks, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDINBERGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-447.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Zora Mann, Cherokee No. R. 447, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of February 1902.

Very respectfully,

C. R. Bredinberge.

Commissioner in Charge.

[illegible]-147.

[illegible], Indian Territory, April 12, 1906.

Mrs. Ford Hunn,

Vinita, Indian Territory.

Dear Madam:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application, marriage license and certificate showing your marriage on the 26th day of December, 1896, to Guy Hunn.

Your case having been finally disposed of, this marriage license and certificate is herewith returned to you.

Yours truly,

Commissioner in Charge.

Encl.-147.

Cher. R 448

Cher R 448

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 3, 1900

In the matter of the application of Andrew J. Langley for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Andrew J. Langley.
Q What is your age? A 40 years old.
Q What is your postoffice address? A Baptist.
Q What district do you live in? A Goingsnake.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q For whom do you apply for enrollment? A Myself, wife and five children.
Q You said you weren't a citizen? A I am a disputed citizen.
Q What do you call a disputed citizen? A They wont recognize me as a citizen.
Q What is the name of your wife? A Amanda. I am the one that claims by blood.
Q Do you claim to be a citizen by blood? A Yes sir.
Q Have you any certificate of marriage? A No sir.
Q When did you marry her? A I married her in '75 I believe.
Q What is her age? A She's 39.
Q What are the names of your children? A Mary J.
Q How old is she? A 18.
Q Name of the next child? A Martha A.
Q How old is she? A 13.
Q Next one? A John J.
Q How old is he? A 11.
Q Next one? A Robert E.
Q How old is he? A 11.
Q Next one? A Rena E.
Q How old is she? A 7.
Q Next one? A That's all.
Q Is your nameon the roll of 1880? A No sir.
Q Your name upon any of the rolls of the Cherokee Nation? A On '93.
Q Did you ever apply to the Dawes Commission in 1896 for enrollment? A Yes sir.
Q Your name on the roll of 1896? A 1893.
Q Are they on the pay roll of 1894? A Yes sir. My father's name is on the roll of '52.
1894 roll; page 676, #1329, Andrew J. Langley, Goingsnake district
1894 roll; page 676, #1330, Mary J. Langley, "
676, #1331, Martha A. "
676, #1332, Jno. J. "
676, #1333, Robt. E. "
676, #1334, Rena E. "
Q You say that you applied to the Dawes Commission in 1896 for admission to citizenship? A Yes sir, somewhere along there.
Q What was the result? A I never got any answer from them.
Q Did you ever inquire about your application? A Yes sir.
Q What answer did you get? A I never got any notice.
Q Who did you inquire of? A I noticed the papers.

Commissioner Needles-
The name of Andrew J. Langley and his children as enumerated herein, [redacted] appear upon the pay roll of 1894. Their names do not appear upon either the authenticated roll of 1880 nor the Census roll of 1896. Upon examination of the records of the Dawes Commission, it is foundthat in case 5481, Andrew J. Langley, Jr., filed his application for citizenship on the 9th day of September, 1896. Said application was denied and no appeal was taken; consequently, the decision of the Commission at that time was final, and the application of Andrew J. Langley for the enrollment of himself, his wife, and children enumerated herein, will be refused and they will be rejected.

S. A. Adobe.

E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 6th day of December, 1906.

Commissioner.

UNCLASSIFIED

R 448

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN

Proceedings of Applicant Tribes Under Guide.

CHEROKEES BY BLOOD AND ADOPTION.

(40) Date ✓ DEC - 8 1900 1900.

Name Andrew J Langley ✓ Baptist D.B.

District GOING SNAKE. Year 1894 Page 676 No. 1329

Citizen by blood yes Mother's citizenship

Intermarried citizen not Rejected"

Married under what law Date of marriage

License (39) Certificate

2 Wife's name Arminda Langley ✓

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

3 Mary J. Langley	Dist. GOING SNAKE.	Year 1894	Page 676	No. 1330	Age 16
4 Martha "	Dist. GOING SNAKE.	Year 1894	Page 676	No. 1331	Age 12
5 John J. "	Dist. "	Year 1894	Page 676	No. 1332	Age 11
6 Robert E. "	Dist. "	Year 1894	Page 676	No. 1333	Age 11
7 Rena E. "	Dist. "	Year 1896	Page 676	No. 1334	Age 7
"	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

5 on 1894 roll no Jno J Langley

6 " " " " Rob E. "

7 " " " " Rena E. "

Denied by the Dawes Commission 1896

Case 5421.

N 448

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Andrew J. Langley, for the enrollment of himself, wife and children as Cherokee citizens.

D E C I S I O N.

It appears from the record in this case that on the 3rd day of December, 1900, Andrew J. Langley appeared before the Commission to the Five Civilized Tribes and made application for himself and his minor children, Mary J., Martha A., John J., Robert E., and Rana E., as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Armanda Langley, as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that the said Andrew J. Langley on the 9th day of September, 1896, applied to the Commission to the Five Civilized Tribes for the admission of himself, his said wife and children to citizenship in the Cherokee Nation. The case is identified upon the record of this Commission as Dawes Commission case No. 5421. The said application was denied and no appeal was taken by either of the parties named in the application from the decision of the Commission.

The Act of Congress approved June 10, 1896, provides:

"That said Commission is further authorized and directed to proceed at once to hear and determine the application of all persons who may apply to them for citizenship in any of said nations, and after said hearing they shall determine the right of said applicant to be admitted and enrolled x x x x x

x x x x Provided, that if the tribe, or any person, be aggrieved with the decision of the tribal authorities, or the Commission provided for in this Act, it or he may appeal from such decision to the United States Court; Provided, however, that the appeal shall be taken within 60 days, and the judgment of the Court shall be final."

It appearing that no appeal having been taken within the time specified from the decision of the Commission denying the appli-

cation of said Andrew J. Langley for himself and his family, such decision became final and is now binding upon this Commission, and it has not at this time any power or authority to admit persons to citizenship in any of said nations.

The applicant and also his wife and children are identified on the tribal roll of 1894.

In making rolls of citizenship of the Cherokee Nation this Commission is governed is governed by the following provisions of the Act of Congress approved June 28,1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

In view of the foregoing provisions and under the facts in this case it is considered that the names of applicant and his said wife and children are on the roll of 1894 without authority of law.

The application, therefore, of Andrew J. Langley, for himself and his minor children, Mary J., Martha A., John J., Robert E. and Rena E. Langley, to be enrolled as citizens by blood of the Cherokee Nation, and the application made by him for his wife, Armanda Langley, as a citizen by intermarriage of the Cherokee Nation, will be denied, and it is so ordered.

Commissioners.

Dated at Muskogee, Indian Territory,
this 14 day of March 1906.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 23 1902
ACTING CHAIRMAN

COPY.

Cherokee R-448.

Muskogee, Indian Territory, April 26, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record and proceedings had in the matter of the application for the enrollment of Andrew J. Langley, Arminda Langley, Mary J. Langley, Martha A. Langley, John J. Langley, Robert E. Langley, and Rena E. Langley as citizens of the Cherokee Nation, including the decision of the Commission dated April 26, 1902, refusing the application of the said persons as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED). T. B. Needles
Commissioner in Charge.

1 Encl. No. R-448.

EPARTMENT OF THE INTERIOR.
SSION TO [illegible]

FILED
APR 28 1902

ACTING CHAIRMAN.

COPY. Cherokee R-448

Muskogee, Indian Territory, April 26, 1902.

Mr. Andrew J. Langley,

Baptist, Indian Territory,

Sir:

Enclosed herewith please find a copy of the Commission's decision rendered April 26, 1902, in the matter of your application for yourself and your minor children, Mary J. Langley, Martha A. Langley, John J. Langley, Robert E. Langley, and Rena E. Langley as citizens by blood of the Cherokee Nation; and for the enrollment of your wife Arminda Langley, as a citizen by intermarriage of the Cherokee Nation.

A copy of the record of the proceedings had in the matter of your application is herewith enclosed. You are informed that the Commission has on this day forwarded a copy of its decision to the Secretary of the Interior, with a copy of the proceedings, for his consideration and final decision.

The Secretary's final action will be duly communicated to you when the same is made known to this Commission.

Very respectfully,

(SIGNED). T. B. Needles.
Commissioner in Charge.

Encl. R-29.
Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-448

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 26, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

Enclosed herewith find copy of the Commission's decision of date April 26, 1902, in the matter of the application of Andrew J. Langley et al for enrollment as citizens of the Cherokee Nation.

Very respectfully,

Commissioner in Charge.

Encl. B-4.

COPY.

Refer in reply to
the following:
Land
25920-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made April 26, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Andrew J. Langley, for the enrollment of himself and his children Mary J., Martha A., John J., Robert E., and Rena E., as citizens by blood of the Cherokee Nation, and for his wife Arminda, as a citizen by intermarriage of said nation.

The Commission reports that Andrew J. Langley applied to the Commission for enrollment September 29, 1896; that said applicant included his children and his wife, that same was denied and that no appeal was taken. The Commission is of the opinion that its decision became final and that it has no power or authority to enroll the applicants.

The office agrees with the commission in its conclusion, and respectfully recommends that its decision be affirmed.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

WCV
D

3 inclosures.

D.C.8976-1902.

L.R.S. 31340 F.

DEPARTMENT OF THE INTERIOR.

Washington, May 26, 1902.

I.T.D.3057-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 10, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application for enrollment of Andrew J. Langley and his children, Mary J., Martha A., John J., Robert E. and Rena E. Langley, as citizens by blood of the Cherokee Nation, and his wife Arminda Langley, as a citizen by intermarriage - R 448 - and recommended that your decision be approved.

You found that the application for the admission of said persons was denied by the Commission acting under the provisions of the act of June 10, 1896 (29 Stat., 321), and that no appeal was taken from that decision; that the applicants are identified on the tribal roll of 1894, but you consider that such enrollment was "without authority of law." You rejected the application.

The Department affirms your decision. Copy of the Acting Commissioner's letter is enclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Cherokee Roll.

Muskogee, Indian Territory, July 8, 1902.

Andrew J. Langley,

Baptist, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of your application for the enrollment of yourself and your five children, Mary J., Martha A., John J., Robert E., and Rena E. Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of your wife Arminda Langley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 24th day of May, 1902.

Respectfully,

(SIGNED). xbg.

Commissioner in Charge.

Chairman.

Enclosed.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-448.

Muskogee, Indian Territory, July 8, 1902.

Mr. W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision, of date April 26, 1902, in the matter of the application of Andrew J. Langley for the enrollment of himself and his five children, Mary J., Martha A., John J., Robert E., and Rosa E. Langley, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife Armenia Langley as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 20th day of May, 1902.

Respectfully,

Commissioner in Charge.

Chor R 441

Chor R 441

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., December 3, 1906.

In the matter of the application of Frank Waters for the enrollment of himself as a Cherokee citizen, being sworn and examined by Commissioner Breckinridge he testified as follows:

Q What is your name? A Frank Waters.
Q How old are you? A 31 years old.
Q What is your post-office? Westville.
Q In what district do you live? A Goingsnake.
Q Who do you want to have enrolled? A Just myself.
Q Do you claim as a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Let me see your marriage license and certificate? A I have [illegible] not got them, I sent it to the Dawes Com'n.
Q When were you married? A 1896.
Q What time in 1896? A November 11th, I think, to the best of my recollection.
Q To whom were you married? A Minnie Langley.
Q She was a Cherokee woman was she? A Yes sir.
Q Is she living? A No sir, she is dead.
Q When did she die? A In 1898 I believe.
Q Did you live with her until she died? A Yes sir.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q How old was she when she died? A 22, best I recollect.
Com'r: It is shown by the records of the Dawes Commission that the applicant and his wife were re-licensed to marry on the 5th day of November 1896, by the Clerk of Goingsnake District, and the certificate shows that they were married on the 11th day of the same month and within the same year, by the Rev. S. Johns; this document is returned to its original file.
Q What was the name of your wife's father? A Lock Langley.
Q Is he dead? A No sir, he is alive.
Q Give me the name of your wife's mother? A Jane Langley.
Q Is she dead? A No sir, she is alive.
By Cherokee Rep've W W Hastings:
Q Did you marry Lock Langley's girl? A Yes sir.
Q Then they were admitted people? A Yes sir.
By Com'r Breckinridge:
Q When were they admitted? A I don't know.
Q When did your wife come here? A I decline I don't know; she was here between three and four years when I married her.
1880 roll examined for applicants wife and not found.
Q Her full name was Frances M.? A Yes sir.
1896 roll page 765 #1226 Frances M. Langley Goingsnake, native Cherokee.
Q Didn't you know your wife's name was Frances, didn't you ever hear her called Frances M.? A I don't believe I did.
Q How long did your wife live in the Cherokee with you? A I suppose about 9 years; six years from the time she came to this country until she died, - six or 7 years, I won't be positive.
Q She came here about eight years ago? A 8 or 10, somewhere along there.
Q Have you married since your wife died? A No sir.
Q Have you lived in the Cherokee nation ever since you married her? A Yes sir.

Frank Breckinridge: The applicant is shown to have married his wife in accordance with Cherokee law subsequent to 1896, she is shown to have been enrolled as a citizen by the Commission, original record in the possession of the Cherokee Representative present, in

1947; it is presumed that a copy of the official records can be supplied, if necessary, in this case, as she died some 2 years; the applicant states that she went to the Cherokee Nation some eight, possibly 10, years ago; she is identified under her maiden name on the roll of 1896; the applicant states that he has lived in the Cherokee Nation ever since his marriage to his wife, and he has not married since her death; neither was previously married; but in any event his marriage to her was too late under the Cherokee law of 1896 to entitle him to enrollment and therefore the application for his enrollment is rejected.

M.D.Green, being first duly sworn states that he was stenographer to the Commission in the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this December 4 1906.

Commission expires

R449

3

T OF THE
CO ON TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN

Number of Applicant [illegible]

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC. 3 1900 1900.

No. 31 Frank Waters, Westville, I.T.

District ____ Year ____ Page ____ No. ____

Citizen by blood Ns Mother's citizenship ____

Intermarried citizen Yes

Married under what law Cherokee Date of marriage Nov. 11 1896

License ____ Certificate ____

Wife's name ____

Rejected

District ____ Year ____ Page ____ No. ____

Citizen by blood ____ Mother's citizenship ____

Intermarried citizen ____

Married under what law ____ Date of marriage ____

License ____ Certificate ____

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Marriage license and cert. filed with Dawes Com. 1897, Case No. 938.

COMMISSIONER

FILED

JAN 1902

ACTING CHAIRMAN

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Frank Waters, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and forty-nine, it is entitled Frank Waters, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-449.

aus

Cherokee No. R 449.

Muskogee, Indian Territory, January 28,1908.

Mr. Frank Waters,

Westville, Indian Territory.

Sir:-

On the 3rd day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provisionof the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to

share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed, as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of the same; - - -"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, was passed by the Cherokee National Council and was approved December 16,1895. It is as follows:

"That from and after thepassage of this act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive pages 329 to 334, of the Compiled Laws of the Cherokee Nation, is hereby amended as to conform to theprovisions of this act, and to vest no other than political rights inpersons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you are a white man; that you were married by authority of a Cherokee marriage license on the 11th dayof November, 1896, to one Minnie Langley, who was a citizen by blood of the Cherokee Nation, and who is

R 11 11 9

COMMISSION

FILED

JAN 11 1902

ACTING CHAIRMAN.

R 449 3

now deceased. You are not identified on the Cherokee Census Roll of 1896, and your said marriage was contracted after the enactment of the Cherokee law of December 16, 1895, which law went into effect "from and after the passage" of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes. A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

BY (Signed) Tams Bixby,
Acting Chairman.

Register.

(6077)

Refer in reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1903, forwarding for the Department's consideration the memoranda relative to the applications of 136 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 24, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 889 to Sec. 899, inclusive pages 320 to 324 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 25, 1905, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

AAF

3/3 inclosures.

[illegible]

I. T. D. [illegible], 1908.
D. S. [illegible]

DEPARTMENT OF THE INTERIOR,
[illegible],

[illegible], [illegible], 1908.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Your decision of January [illegible], 1908, rejecting the application of Frank Tolson, Identification I. [illegible], for enrollment as a Chickasaw citizen by intermarriage, is returned in accordance with decision of the Department of even date in the case of Wm. J. Smith, Identification I. [illegible].

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. N 448.

Muskogee, Indian Territory, March 14, 1908.

Frank Waters,

Westville, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 26, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1908.

Very respectfully,

Commissioner in charge.

Register.

Cherokee

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-440.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Frank Waters, Cherokee No. R. 440, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of February 1902.

Very respectfully,

C. R. Bredinridge

Commissioner in Charge.

Cher R 450

Cher R 450

WM C WOOD, as to wife, SADIE.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 3, 1900.

In the matter of the application of William Cornelius Wood for the enrollment of himself and wife as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified:

Q Give me your full name. A William Cornelius Wood.
Q How old are you. A 23
Q What is your post-office. A Tahlequah.
Q You live in Tahlequah District? A Yes sir.
Q Who do you want to enroll. A Myself, and I have a wife, I married this year.
Q Yourself and your wife? A Yes sir.
Q Are you a Cherokee by blood? A Yes sir.
Q Your wife is a white woman? A Yes sir
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Frank Wood.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Sarah Rose Wood.
Q Is she alive? A Yes sir.
Q Give me the name of your wife? A Sadie.
Q How old is she? A 20 years old.
Q Have you a certificate of marriage? A Yes sir (Produces papers)
Com'r: The applicant presents licens issued by the Clerk of the United States Court for the Northern District of the Indian Terry under date of February 24 1900 authorizing marriage between himself and his wife, and the certificate shows that they were united in marriage on the 25th day of the same month and within the same year, by the Rev. Nicholas Pitting; this is filed herewith.
Q Your wife's name was Burts was it? A Yes sir.
Q Have you and she lived together ever since you were married? A Yes sir
Q Were either of you ever married before? A No sir
1880 roll page 326 #2646 William C. Woods Tahlequah Dist, native Cherokee, 2 years old
1896 roll page 1245 #3613 William C. Woods Tahlequah Dist.

Com'r Breckinridge: The applicant is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee byblood;

He is shown to have married his wife in February of the present year; she is a white woman; neither was previously married; but their marriage is too late under the Cherokee law of 1898 to entitle her to enrollment at this time; therefore the application for her enrollment is rejected.

E.B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 6, 1900.

Commissioner.

R450

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CO...ON TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN

TAHLEQUAH, I.T.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 3 1900 1900.

Name Tiklaguah D. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen Rejected

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name Sadie Wood, nee Burch

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen Yes

Married under what law ..... Date of marriage 1905

License Filed DEC 3 1900 Certificate Filed DEC 3 1900

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Marriage license and cert attached.

R4

Commissioner.

CO

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, ..., Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the ..... day of ..... 189....., at ..... M., and duly recorded in Book ....., Marriage Record, Page .....

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this ..... day of ....., A. D. 189.....

.....Clerk.

By.....Deputy.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1902.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of .....

Sadie Wood as citizen of the Cherokee Nation.

.....Commissioner.

FILED
APR 14 1902

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss. No. [illegible].

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. William C. Woods, of Tahlequah, in the Indian Territory, aged 22 years, and Miss Sadie Burch, of Tahlequah, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 24 day of Feb. A. D. ~~xxx~~ 1900.

Charles A. Davidson,
Clerk of the U. S. Court.

By Thomas W. Triplet Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, Nicholson Bitting, a Minister of the Gospel, Do Hereby Certify, that on the 25th day of February, A. D. ~~xxx~~ 1900, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 25th day of February A. D. ~~xxx~~ 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book "A", Page 140.

Nicholson Bitting,
A Minister of the Gospel.

IAN 1902

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of Sadie Wood, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and fifty, it is entitled Sadie Wood, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-450.

aab

440

Enrollment Card No. 4[illegible]

Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge,
Commissioners.

Alexander L. Inglewood,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Jan. 28, 1908.

Sadie Wood,

Tahlequah, Indian Territory.

Madam:

On the 3d day of December, 1907, your husband, William Cornelius Wood, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and locality of the soil, location, and value of same; • • • •"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is thereby restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 639 to Sec. 649, inclusive, pages 323 to 324 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that YOU WERE

married on the 25th day of February, 1900, to one William Cornelius

Wood, a citizen by blood of the Cherokee Nation, that you and your

husband have lived together continuously since your marriage, that you are NOT

identified on the Cherokee Census Roll of 1896; and that you have your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of

yourself as an intermarried citizen of the Cherokee Nation has

this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you YOU as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Enc C P-650

By

Acting Chairman.

(6997)

Refer in reply to the following:

Land.
7008-1902.
7879-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 155 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats., 495) and the provisions of an act of the Cherokee National Council approved December 6, 1895, which the record in these cases shows is as follows:

"That from and after the passage of this ACT, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XVI, Article XVI, Sections 630 to Sec. 633, inclusive pages 330 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW
D

273 inclosures.

Inst.

I. T. D. 324-1902.
C. H. C.3470.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 20, 1902.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Your decision of January 22, 1902, rejecting the application of Sallie Reed, Memorandum R. 450, for enrollment as a Cherokee citizen by intermarriage, is affirmed in accordance with the decision of the Department of even date in the case of Wm. H. Smith, Memorandum R. 511.

Respectfully,

Thos. Ryan,
Acting Secretary.

Chero. R 450.

Muskogee, Indian Territory, March 14, 1902.

Sadie Wood,

Tahlequah, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 28, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-480.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of Susie Wood, Cherokee No. R. 480, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26th day of February 1902.

Very respectfully,

C. R. Breckinridge.
Commissioner in Charge.

[illegible]

[illegible], [illegible], [illegible] 14, 1[illegible].

Mrs. [illegible] [illegible],
Pittsburgh, United States,
[illegible]

When you applied to this Consulate for assistance as a citizen of the Swedish nation, you filed with your application, marriage license and certificate showing your marriage on the [illegible] day of February, at [illegible].

Your case having been finally disposed of, the marriage license and certificate is herewith returned to you.

Yours truly,

[illegible] in Charge.

[illegible]

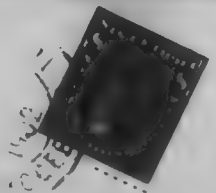
Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, $300.



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Nelle

Chem R 451

Chem R 451

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 3rd, 1900.

In the matter of the application of Elijah T. Wilson, for the enrollment of himself, wife and children as Cherokee citizens. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Elijah T. Wilson.
Q What is your age? A. 52.
Q What is your post office address? A. Siloam, I. T.
Q What district do you live in? A. Tahlequah.
Q Are you a recognized Cherokee citizen? A. By adoption.
Q For who you want to have enrolled?A. Myself, wife and children.
Q Have you a certificate of your marriage? A. Yes sir.

The applicant presents satisfactory proof of marriage to one Mary E. Thompson in the year 1874 in the state of Georgia.

Q Is your wife a Cherokee citizen by blood? A. Yes sir.
Q Is her name on the 1880 roll? A. I guess not
Q What proof have you of her citizenship? A. (No response)

Applicant presents a certificate of admission issued from the office of the Commission on citizenship at Tahlequah on the 4th of April, 1887, signed by J. T. Adair, Chairman, attested by Henry Bifort, Clerk, approved and endorsed by D. W. Bushyhead, Chief, under the great seal of the Cherokee Nation, certifying that Mary E. Wilson, Sarah Jane Wilson, Lidie Matilda Wilson, Manda Letisha Wilson and James M. Wilson were admitted to Cherokee citizenship in 1887, on the 4th day of April.

Q What are the names of your children for whom you desire to apply A. Amanda L. Q How old? A. 16 or 17 years old.
Q. Next child? A. James M.
Q How old? A. 14.
Q Next? A. Samuel B.
Q How old? A. 11.
Q Next? A. Eva E.
Q How old? A. 6.
Q Next? A. William D. B.
Q How old? A. Two years old.
Q Is Mary E., Amanda L., and James M. Wilson, that are mentioned in this certificate that you present of admission, the identical wife and children for whom you apply now for enrollment? A. Yes sir.
Q Have you ever been married again since 1874? A. No sir.
Q How long has your wife Mary E. Wilson lived in the Cherokee Nation? A. Came here in 1889.
Q Has she been here continuously ever since? A. Yes sir.
Q Are these children alive and living with you? A. Yes sir.
Q Are you her first husband? A. Yes sir
Q Is she your first wife? A. Yes sir.

1896 roll, Page 1289, No 301, Elijah T. Wilson, Tahlequah dist.

1896	1289	3755	Mary E. Wilson	"
1896	1289	3756	Amanda L. Wilson	"
1896	1289	3757	James M. Wilson	"
1896	1289	3754	Samuel B. Wilson	"
1896	1289	3758	Eva E. Wilson	"

The name of Mary E. Wilson and her children, Amanda L., and James M. Wilson appear on the census roll of 1896 and also in possession a certificate of admission more particularly described in the testimony, and the names of her children Samuel B. and Eva E. Wilson appear on the census roll of 1896, and she presents satisfactory proof as to the birth of William D. B. Wilson born since said roll

was compiled. They are all identified and made satisfactory proof as to residence, consequently the said Mary E. Wilson and her children as named herein will be duly listed for enrollment as Cherokee citizens by blood. It appears from the records that the applicant, Elijah T. Wilson, whose name appears on the census roll of 1896 was married to Mary E. Wilson in the state of Georgia in the year 1874 and was not admitted with his wife to Cherokee citizenship in 1896 nor was he remarried after his wife's admission, consequently the application for his own enrollment will be rejected.

Chas. von Weibe, being sworn states that he stenographer to the Commissioner to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. von Weibe

Subscribed and sworn to before me this the 4th day of December, 1906.

[illegible]

Commissioner.

13

K451

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CO... ON TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(52) Date DEC - 3 1900 1900.

Name Elijah T. Wilson Gideon T.

District TAHLEQUAH. Year 1896 Page 1292 No. 301

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected - not married according to Cherokee Laws

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Husband

C / R451

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 3 1900

ACTING CHAIRMAN.

-Office of-
John T. Colwell,
Ordinary,
Union County.

Blairsville, Ga., _____ 1900.

License granted to E. J. Wilson and Mary E Thompson 1st Nov 1874: Solemnized by R Deaver M.M. Nov 3rd 1874: Recorded Nov 20th 1874 By W. R. Logan ordinary

Georgia
Union County } I S. Y. Garrett Clerk Ordinary in and for said County do hereby certify that the above and foregoing is a true copy from the Record now of file in this Office of the marriage of E J Wilson + Mary E Thompson

Given under my hand and official seal: This 21st day 1900

S Y Garrett
Clerk Ordinary

COMMISSION TO THE
FIL
MAR 2

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Elijah T. Wilson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 451, it is entitled Elijah T. Wilson, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Encl. C-R. 451.

aw

(COPY)

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No.R. 621.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,
February 14, 1908.

Elijah T. Wilson,

Gideon, Indian Territory.

Sir:

On the 24 day of December, 1906, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married to Mary N. Thompson in Georgia in 1874. Your said wife Mary N. Thompson was admitted to citizenship April 4th, 1887. It does not appear that you ever remarried to your said wife under authority of a Cherokee marriage license. You are identified upon the Cherokee census roll of 1896.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the Act of Congress approved June 28, 1898 (30 Stats., 495), and are as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been

enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee law."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . . ."

Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal. . . . "

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never acquired the rights of an intermarried white person entitled to citizenship under Cherokee laws.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles. [redacted]

[redacted]

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF INTERIOR,
COMMISSION [illegible] AND MINES
[illegible]
APR 16 1902
ACTING CHAIRMAN

L.R.S. 18641. R. J.D.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1895-1902.
D. C. 5736-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to department letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Elijah T. Wilson, R 481, transmitted with your letter of February 14, 1902, and the Acting Commissioner's letter of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.R.

L. R. T. T. S.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I. T. D. 1272-1902.
1822-1902.
D. R. 5760-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Betterton for enrollment as a Cherokee citizen by intermarriage, N S, transmitted with your letter of February 14, 1902, and decided of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 10, 1896, (29 Stats., 321), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "laws of the Cherokee Nation," compilation of 1892, viz:

"Section 6th.," . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be, and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a wife living with from whom he has not been lawfully divorced. . . . ".

"Sec. 660. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) reputable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with a certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was then a voter."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902, recommends that your decision be concurred in.

It is clear from the law referred to that you have no authority to enroll the applicant, and your decision is affirmed. A copy of the Acting Commissioner's letter is enclosed.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

1 inclosure.

[illegible]

[illegible], Indian Territory, April 18, 1900.

Mr. Elijah T. Wilson,

Wilson, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 24, 1900, rejecting your application for enrollment as a citizen of the Choctaw Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1900.

Very Respectfully,

Acting Chairman.

Enclosure.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-482.

ADDRESS ONLY THE
SECRETARY TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Elijah T. Wilson Cherokee No. D-482, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 452

Cher R 452

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 4, 1900.

In the matter of the application of Joseph M. Bradford for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Joseph M. Bradford.
Q How old are you? A 28.
Q What is your postoffice? A Barren.
Q What district do you live in? A Goingsnake district.
Q Who is it you want to enroll — have you a family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A Two children.
Q You want to enroll yourself, wife and two children? A Yes sir.
Q Are you a Cherokee by blood? A No sir.
Q Let me see your marriage license and certificate.
The applicant presents a license issued by the Clerk of Goingsnake district authorizing his marriage on August 24, 1896, and the certificate shows that he was married in accordance with said license by the Clerk of the district on the same date. This is filed herewith.
Q Have you lived with your wife ever since yu married her in 1896?
A Yes sir.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Your wife's full name now is Susie Bradford? A Yes sir.
Q How old is she? A 28.
Q Her maiden name was Walkingstick? A Yes sir.
Q Give me the name of her father? A Isaac Walkingstick.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A Katie Walkingstick.
Q Is she dead? A Yes sir.
Q Has your wife lived in the Cherokee Nation all her life? A Yes sir.
Q Give me the names of your children? A Mamie.
Q How old is the child? A Three years old.
Q Give me the name of the next child? A Buff.
Q How old is that child? A 11 months old.
1880 roll; page 497, #2154, Susie Walkingstick, Goingsnake district.
1896 roll; page 729, #317, Susan Bradford, "
1896 roll; page 818, #27, Joseph Bradford, "

Commissioner Breckinridge-
The applicant applies for the enrollment of himself, his wife and two children. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. Her change of name is established by the marriage license and certificate filed herewith. She has lived in the Cherokee Nation all her life, and she will be listed for enrollment as a Cherokee by blood. When certificates of birth are filed of the two children, Mamie and Buff, they also will be listed for enrollment as Cherokees by blood. The applicant is a white man. He is identified on the roll of 1896. He is shown to have married his wife in accordance with Cherokee law in August, 1896. Neither was previously married, but his marriage is too late under Cherokee law of Dec. 16, 1895 to entitled him to enrollment at this time, and therefore, the application for his own enrollment is rejected.

a

DEPARTMENT OF THE [illegible]
COMMISSION TO THE FIVE C[illegible]
FILE
DEC 14 1960

ACTING CHAIRMAN

[illegible]

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE

ON TO THE FIVE CIVILIZED

FILED

DEC 4 1900

ACTING C

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC. 4 1909 1909.

Name Joseph M. Bradford / Barney D.

District GOING SNAKE. Year 1896 Page 118 No. 27.

Citizen by blood No Mother's citizenship

Intermarried citizen Yes

Married under what law Cherokee Date of marriage Aug 1896

License Certificate

Wife's name Rejected

District Year Page No.

Citizen by blood Yes Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Filed DEC. 4 1909 Certificate Filed DEC. 4 1909

Names of Children:

	Dist.	Year	Page	No.	Age

Rejected

Ancestor as Joseph Bradford

MARRIAGE LICENSE.

R-452. Cherokee Nation, Going Snake District.

To any Person Legally Authorized, Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Joseph Bradford, a citizen of the United States, and Miss Susie Walkingstick a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 24 day of August 1896.

(Signed) W. W. Wright

(SEAL)

Clerk Goingsnake District

this is to certify that I joined in the holy bonds of matrimony Mr. Joseph Bradford a citizen of the United States, and Miss Susie Walkingstick a Cherokee Lady, on the 24th day of Aug. 1896.

(Signed) W. W. Wright

(SEAL) Clerk Goingsnake Dist C. N.

Recorded 24th Aug. 96. (Signed) W. W. Wright, Clk Goingsnake Dist C. N. (SEAL)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., July 29 1903

Stenographer to the above named Commission

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Joseph Bradford as citizen of the Cherokee Nation.

Frances S. Otis Fuller

Stenographer

LD

(R-1452)

...MISSION TO THE FIRST ...
FILED
MAR 4 1902
...

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Joseph W. Bradford, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and fifty-two, it is entitled Joseph W. Bradford, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

ant

(COPY).

(41)

CHEROKEE CASE No. R....482.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Joseph K. Bradford,

Barren, Indian Territory.

Sir:

On the 4th day of December, 190 0,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 24th day of August, 1896, 190..., to one Susie Wallingsteich, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, ..."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted]

[redacted]

Enclosure.

Register.

Closed in defeat. It appears
to have been a most unfortunate
no. In instance because the
that the Mikasuki of
in instigating opinion
and chicanery relative to
Bowlegs and Wild Cat.
Bowlegs was not
an unofficial for
Outline

Continued:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

Wild Cat.

Bowlegs.

Mikasuki.

Bowlegs.

"Report of Commissioner Jim Jones
"Report of Commissioner Jim Jones
"Report of Commissioner Jim Jones
"Report of Commissioner Jim Jones

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2112-1902.
D. C. 6288-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Joseph M. Bradford, R 452, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 21 1902

ACTING CHAIRMAN.

-2-

Referring to sections 659, 660 and 665 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee-R-452.

Muskogee, Indian Territory, April 17, 1902.

Mr. Joseph M. Bradford,

Barren, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDENRIDGE.
ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-452.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Joseph M. Bradford, Cherokee No. R 452, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-482

Muskogee, Indian Territory, July 31, 1902.

Joseph M. Bradford,

Baron, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on August 24, 1896, to Miss Susie Walkingstick.

The same is herewith returned to you, a copy having been made and retainedin the Commission's files.

Yours truly,

Acting Chairman.

Encl. R-190.

Cher R 453

Cher R 453

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 4, 1900.

In the matter of the application of William H. Thompson for the enrollment of himself, wife and child as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A William H. Thompson.
Q How old are you? A 33 years old.
Q What is your postoffice? A Valeda, Kansas.
Q In what district do you live? A In Goweesoowee.
Q Your postoffice just across the line? A Yes sir.
Q Who is it you want to have enrolled? A Just myself and one child.
Q Have y u a wife? A Yes sir.
Q You don't apply for her? A No sir, she's a white woman.
Q You better apply for her? A I have been married twice; the child is by my first wife. I haven't got a license of my last marriage.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your present wife a white woman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since 1880.
Q Did you come here with the North Carolina Cherokees? A Yes sir.
Q Give me the name of your father. A James W. Thompson.
Q Is he dead? A No sir.
Q Give me the name of your mother. A Sarah A.
Q Is she dead? A No sir.
Q Let me see your certificate of enrollment of North Carolina Cherokees.
The applicant presents an official copy of the records of the Cherokee Nation showing that he is enrolled among the North Carolina Cherokees, who removed to the Cherokee Nation under the act approved Dec. 3, 1880. This is recognized as official evidence of his admission at that time, and it is filed with this case.
Q Give me your present wife's name. A India S.
Q How old is she? A She's 17.
Q When did you marry her? A Last October, 1899; a year ago.
Q She's lived with you ever since she married you? A Yes sir.
Q Was she ever married once to you? A No sir.
Q You were previously married? A Yes sir.
Q Only once? A Yes sir.
Q Was that wife dead when you married this wife? A No sir.
Q Were you divorced from her? A Yes sir.
Q Have you a copy of the decree of divorce? A Yes sir.
The applicant presents an official copy of a decree of divorce between himself and his former wife, Maud Thompson, the same being granted by the United States Court sitting at Tahlequah, but it does not state the date when the decree was rendered. The same is No. 275. This is filed herewith.
Q When was that divorce granted? A Last September a year ago.
Q Granted about a month before your present marriage? A Yes sir.
Q Your present wife has lived with you ever since you were married to her? A Yes sir.
Q Give me the name of your child? A Laura.
Q How old is the child? A Three years old.
Q Any certificate of its birth made out? A No sir.
Q Give me the name of this child's mother before she was married? A Maud Gunden.
Q Was she a Cherokee or white woman? A She's a white woman.
Q When were you married to her? A
The applicant presents a license issued by the clerk of the United States Court on the 26th of June, 1897, authorizing his marriage to Miss Maud Gunden. The certificate shows they were married on the date following by the Rev. E.K. Sullivan. This is filed herewith.

2- W.E.T.

Q When was this child born? A In September after we were married.
Q In September, 1897? A Yes sir.
Q You were married in June, 1897? A Yes sir.
1896 roll; page 1254, #3364, William E. Thompson, Tahlequah district.
Q It seems that you only lived with your wife three months after your marriage? A Yes sir.
Q And you appear to have put her away for highly irregular conduct on her part? A Yes sir.

Commissioner Breckinridge-

The applicant applies for the enrolment of himself, his wife and one child; the child being by a former wife. He is identified as having come to the Cherkee Nation with the North Carolina Cherokees in 1880, and he has lived here ever since. He is also identified on the roll of 1896. He will now be listed for enrollment as a Cherokee by blood. His present wife is shown to have married him in October, 1899. He files a decree of divorce from his former wife, which he states occurred in September, the same year of his present marriage. The decree, however, is without date. In any event, his present marriage is too late under Cherokee law of Dec. 16, 1895 to entitled his present wife to enrollment, and therefore, the application for her enrollment is rejected. He files a license and certificate of marriage as relates to his first wife, Maud, who is shown to have been married to him on the 26th of June, 1897. He states that the child was born in September of the same year, and it appears from the decree of divorce filed in this case, that she was put away for immoral conduct. Clearly, this child cannot be considered as a lawful child, entitled to enrollment at this time, and therefore, the application for the enrollment of his child is rejected.

E.C. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger

Subscribed and sworn to before me this 4th day of December, 1900.

Commissioner.

SUPPLEMENTAL. Enr. R-469.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., November 29, 1901.

In the matter of the application of Inda G. Thompson for enrollment as a Cherokee citizen.

TESTIMONY ON BEHALF OF THE APPLICANT.

Appearances:
Applicant's husband, in person.

JAMES P. HATHCOAT, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A James P. Hathcoat.
Q How old are you? A 52 years old.
Q What is your post-office? A Gideon.
Q Are you a recognized citizen of the Cherokee Nation or a white man? A I am a white man.
Q Are you acquainted with William E. Thompson, the applicant in this case? A Yes sir.
Q Are you acquainted with his wife, Inda G. Thompson? A Yes sir, I ought to be; she is my daughter.
Q You know whether she was married to W.E. Thompson? A Yes sir.
Q Were you present at the ceremony? A Yes sir.
Q How long ago was that? A 1899.
Q Have they lived together since that time as man and wife? A Yes sir.
Q Are so recognized in the community? Are they? A Yes sir.

JOSEPH A. HATHCOAT, being sworn and examined, testified as follows:

BY COMMISSION:

Q What is your name? A Joseph A. Hathcoat.
Q How old are you? A 23.
Q What is your post-office address? A Gideon.
Q Are you a recognized citizen of the Cherokee Nation, or a white man? A I am a white man.
Q Are you acquainted with the applicant, William E. Thompson? A Yes sir.
Q Are you acquainted with his wife? A Yes sir, she is my sister.
Q Did you know that the applicant here was married to his wife Inda G.? A Yes sir.
Q How do you know it, were you present at the ceremony? A Yes sir.
Q Have they been living together since that time continuously as man and wife? A Yes sir.
Q They are living together now are they? A Yes sir.
Q They are recognized in the community as man and wife? A Yes sir.

M.B. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.B. Green

Subscribed and sworn to before me this December 3, 1901.

[signature]

Before the Commission to the Five
Civilized Tribes, Muscogee, I.T.

In the matter of the application
of William E. Thompson for the enroll-
ment of his two minor children, Laura
Thompson and Albert May Thompson.

Statement of Facts.
- - - - : - - - - -

The testimony in this case shows that the applicant William E. Thompson is a recognized citizen of the Cherokee Nation and is by the Commission enrolled as such; that the said William E. Thompson was in June 1897 married to one Maud Camden, a citizen of the United States and that while such marital relations existed, there was born to them a child whose name is Laura Thompson and that thereafter, the said William E. Thompson sued his wife Maud Thompson for a divorce on the grounds of adultery and that on the 14th day of September 1899, a decree of divorce was granted dissolving the bonds of matrimony then existing between William E. Thompson and Maud Thompson; that in October 1899, the said Willam E. Thompson was married to one India O. Bathcoat, a citizen of the United States and unto them a child was born, named Albert May Thompson and now living.

A r g u m e n t.

The contention of the applicant, William E. Thompson for and in behalf of his two minor children, Laura Thompson and Albert May Thompson, is that both of said children are entitled to enrollment owing to the fact that they are the children of a recognized Cherokee man.

Compiled Laws of Cherokee Nation (1892) Constitution, Page 24, Section 5 (last paragraph)
"The descendants of Cherokee men by all free women, except the African race, whose parents may have been living together as man and wife, according to the customs and laws of the Cherokee Nation, shall be entitled to all the rights and privileges of this Nation, as well as the posterity of Cherokee women by all free men."

Amendments to Constitution. Page 32, Section 5."- - - - - - - "All native born Cherokees, all Indians and whites legally members of the Nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, to wit: All free colored persons who were

in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be taken and deemed to be citizens of the Cherokee Nation."

The child by Maud Thompson, the first wife is a descendant of a cherokee man by a free woman, being the child of William E. Thompson. The mother of this child, Maud Thompson and the father both say that the applicant is the father although the child was born only about three months after the marriage of these parties.

If there was no Statute on this subject the Common law rule would obtain even if the commission should say that this was an illegitimate child.

Supplement to the Revised Statutes of the United States. Vol 1. (1874-1891) Page 393. Section 5. "Determination of descent."

"That for the purposes of determining the descent of land to the heirs of any deceased indian under the provisions of the fifth section of said act, whenever any male and female indain shall have co-habited together as husband and wife accodring to the custom and manner of indian life the issue of such cohabitation shall be for the purpose aforesaid, taken and deemed to be legitimate issue of the indianda so living together, and every indian child otherwise illegitimate, shall for such purposes be taken and deemed to be the legitimate issue of the father of such child"

This Section of the Statute of the United States legitimatizes this child and the issue follows the father and makes this child a Cherokee indian. The testimony shows that it is a native born Cherokee and if it is such under the Cherokee Constitution above quoted, it is incumbent upon the Commission to enroll it.

The applicant has been called upon to furnish a certified copy of the decree of divorce giving the date on which the decree was granted. The decree filed herewith does not bear any date, but the certified copy of the Judges Docket herewith filed shows that the decree of divorce was granted on the 14th day of September, 1899. This last certified copy cures that defect. It was simply an oversight of the attorneys representing the applicant

that the decree did not bear any date.

The Commission calls upon the applicant to file the Certificate of the Minister or persons authorized to perform marriage ceremonies, that he was married to his present wife. This he cannot do. A certified copy of the license is filed in the case. The minister being dead, it will be impossible to furnish a certificate. It seems that the marriage has been proved sufficiently. The Commission has before it the sworn statements of two eye witnesses, who were present and saw the parties united in marriage, also testimony that they are recogized in the community as husband and wife. This being proved and the date of the decree of divorce from the former wife having been fixed by the certified copy of the Judges Docket in the Court in which the decree was obtained, the last named child Albert May Thompson should be by the Commission enrolled as a Cherokee by blood.

Respectfully Submitted.

S J Parks

Attorney for Applicants.

aaD

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Inda O. Thompson as a citizen by intermarriage of the Cherokee Nation and for the enrollment of her child Laura Thompson as a citizen by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 4, 1900, William E. Thompson appeared before the Commission at Tahlequah, Indian territory, and made application for the enrollment of himself and his child, Laura Thompson, as citizens by blood of the Cherokee Nation, and for the enrollment of his wife, Inda O. Thompson, as a citizen by intermarriage of the Cherokee Nation. The said William E. Thompson has been differently classified and is not embraced in this decision. Further proceedings were had in the matter of this application at Tahlequah, Indian Territory, on November 29, 1901.

The evidence shows that Inda O. Thompson, a white woman, was married in October, 1899, to William E. Thompson, a citizen by blood of the Cherokee Nation.

Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495) provides for the enrollment of Cherokee citizens, "with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 11, of the same Act shows that said rolls are to contain the names of those only who are entitled to share in the lands of the Cherokee Nation, and is as follows:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission', shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same. . . ."

An Act of the Cherokee National Council approved December 16, 1895, provides:

"That from and after the passage of this Act, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood, who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Laura Thompson is the issue of a marriage between the said William E. Thompson and a former wife, Maud, to whom he was married in June, 1897. The said Laura Thompson was born in September, 1897, but being born in wed-lock she takes the status of her father, William E. Thompson. She is identified by a birth affidavit on file with this

Department of [illegible]

[illegible]

It is the opinion of this Commission that the enrollment for the enrollment of Jack C. Thompson as a citizen by intermarriage of the Creeks which should be denied, and that Laura Thompson should be enrolled as a citizen by blood of the Creekee Nation, under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

[illegible]

[illegible]

[illegible]

[illegible]

Dated at Washington, D. C.

Date SEP 20 1902

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 453.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

Enclosed herewith please find a copy of the decision of the Commission to the Five Civilized Tribes, rendered September 20, 1902, denying the application of William E. Thompson for the enrollment of his wife, Inda O. Thompson, as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Laura Thompson, as a citizen by blood, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file with the Commission such protest as you desire to make against the decision rendered in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. C. No. 50.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-453

Muskogee, Indian Territory, October 28, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, rejecting the application of William E. Thompson for the enrollment of his wife, Inda O. Thompson, as a citizen by intermarriage, and granting his application for the enrollment of his minor child, Laura Thompson, as a citizen by blood of the Cherokee Nation, a copy of which decision was furnished you on September 20, 1902, has this day been transmitted to the Secretary of the Interior for his review and decision.

The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

C. R. Breckinridge.

Acting Chairman.
Commissioner in charge.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON [illegible]VLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-453

Muskogee, Indian Territory, January 24, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are hereby advised that the Commission's decision, dated September 20, 1902, granting the application for the enrollment of William E. Thompson and his minor child, Laura Thompson, as citizens by blood, and rejecting the application for the enrollment of his wife, Inda O. Thompson, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on January 8, 1903.

Respectfully,

Acting Chairman.

Cher R 454

Cher R 454

[illegible], as to husband, John A. Brown.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 4, 1900.

In the matter of the application of Ida B. Brown for the enrollment of herself, husband and children as Cherokee citizens; being sworn and examined by Commissioner Needles she testified as follows:

What is your name? A Ida B. Brown.
How old are you? A 28.
What is your postoffice address? A Melvin.
In what district do you live? A Tahlequah.
Are you a recognized citizen of the Cherokee Nation by blood? A Yes.
Who do you want to enroll, anybody but yourself? A My husband and children.
Where is your husband? A He is at home, sick.
What is his name? A John A. Brown.
Is he a white man? A Yes, sir.
How old is he? A He is about 32 I think.
Have you any certificate of marriage to him? A Yes, sir. (Produces papers.)
Com'r: The applicant presents marriage license and certificate of marriage certifying that she was married according to the laws of the United States on the 15th day of February, 1899, to one John Brown.
What are the names of your children? A Florence E. Chaney.
How old is Florence? A 8 years old.
What is the name of the next child? A Roscoe Allen Brown.
How old is Roscoe? A He is 5 years old.
What is the name of the next child? A Geneva Bell Brown.
How old is she? A She is 2.
What is the name of the next child? A That is all.
Were you ever married before you married your present husband, Brown? A Yes, sir.
What was your first husband's name? A Alfred H. Chaney.
Was he a citizen by blood? A No, he was a white man, he was a citizen though.
Is he living? A Yes, sir.
Have you any divorce from him? A Yes, sir.
Have you any proof of divorce? A The divorce is here in the office at Tahlequah.
Mr. Parks has got the divorce.
Who is your next husband? A Brown.
You had one child by Chaney? A Yes, sir.
This five year old child was born a good long while before you were married to Brown was it? A Yes, sir, I have sufficient proof enough, if you need it.
Have you got proof of the birth of this younger child? A Yes, sir.
What was your name before you married? A I was a Rowland.
[illegible] roll page [illegible] for Ida Belva, Illinois Dist.
What is your mother's name? A Elizabeth Rowland.
Is she living? A Yes, sir.
What is your father's name? A George Rowland.
Is he living? A No, sir.
[illegible] roll page 1140 for Ida Chaney Tahlequah Dist.
[illegible] roll page 1140 for Florence Chaney, Tahlequah.
[illegible] roll page 1140 for Roscoe Chaney, Tahlequah.
Applicant: They made a mistake in putting the name on the roll, that Roscoe.
Brown is the name he goes by? A Yes, sir.
Are you the mother of Roscoe Brown? A Yes, sir.

Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Living here now? A Yes, sir.
Q Are these three children all living? A Yes, sir.
Q Living with you? A Yes, sir.
Q Did you apply to have your husband enrolled? A He is enrolled on one of the rolls.

Com'r Needles: The name of Ida B. Brown appears upon the authenticated roll of 1880 as Ida Polyn, her maiden name; she avers that afterwards she was married to one Alfred H. Chaney, and her name appears upon the census roll of 1896 as Ida Chaney; she now presents satisfactory proof of her marriage to one John A. Brown said marriage having been solemnized February 15, 1899; she avers that she has three children, Florence Chaney and Roscoe Brown, whose names appear upon the census roll of 1896, and one Geneva B. Brown, whose name does not appear upon said roll, having been born since same was compiled; satisfactory proof is made as to residence; and they are all duly identified, consequently said Ida B. Brown and her said children, Florence E. Chaney and Roscoe A. Brown will be duly listed for enrollment as Cherokee citizens by blood; and her younger child Geneva B. will also be listed for enrollment as a Cherokee citizen by blood when she files with this Commission satisfactory proof of its birth.

Said applicant applies for the enrollment of her husband John A. Brown, as an intermarried white; he having been married in the year 1899, too late under the Cherokee law of 1895 for intermarried citizens to acquire rights of Cherokee citizenship, the application for the enrollment of her husband will be denied, and he will be rejected.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green.

Subscribed and sworn to before me this December 4, 1902.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Gronninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Gronninger

Subscribed and sworn to before me this 12th day of November, 1902.

M D Green
Notary Public.

CHEROKEE BA[illegible]OOD AND NO[illegible]

R A54

B

DEPARTMENT OF THE IN[illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900

ACTING CHAIRMAN

Statement of Applicant Taken Up for Orph.

CHEROKEES BY BLOOD AND ADOPTION.

(32)

Date DEC - 4 1900 1900

Name John A Brown Melvin Ind. T.

District ~~~~~~~~~~ Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: Rejected married too late

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

Husband of Ida B. Brown

Report

Commissioner.

RECEIVED
APR 11 1902

CERTIFICATE OF RECORD.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

I, Jas. A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 27th day of April 189 9, at ..... M., and duly recorded in Book "H", Marriage Record, Page 28.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 27 day of A pl., A. D. 189 9.

Jas. A. Winston. Clerk.

By ..... Deputy.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I. T., April 10, 1909.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of John A. Brown as citizen of the Cherokee Nation.

Commissioner.

8454

MARRIAGE LICENSE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss.

No. B-454.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. John A. Brown, of Melvin, in the Indian Territory, aged 28 years, and Mrs Ida B. Cheney, of Melvin, in the Indian Territory, aged 22 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 4th day of February A. D. 1892.

James A. Pinkton
Clerk of the U. S. Court.

By H. E. O. Shelton Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I, Nicholson Killing, a Minister of the Gospel, Do Hereby Certify, that on the 18th day of February A. D. 1892, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 20th day of February A. D. 1892.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book "A", Page 340.

Nicholson Killing
A Minister of the Gospel.

D R454

COMMISSION TO [illegible] TRIBES

FILED

JAN 31 1902

ACTING CHAIRMAN.

Muskogee, Indian Territory, January 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen by intermarriage of John A. Brown, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and fifty-four, it is entitled John A. Brown, and is known as a Cherokee rejected case.

Respectfully,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

Encl. C-454.

Commissioners,
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 454.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,

January 28, 1903.

John A. Brown,

Melvin, Indian Territory.

Sir:

On the 4th day of December, 1900, your wife, Ida B. Brown, appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were a white man; that you were married on the 15th day of February, 1899, to one Ida Chaney, a citizen by blood of the Cherokee Nation. Such marriage appears to have been by authority of a marriage license issued by other than the authorities of the Cherokee Nation, and it does not appear that you were ever married to your said wife under a marriage license issued in accordance with the provisions of the Cherokee law. It does not appear that you are identified upon the Cherokee census roll of 1896, nor upon any other roll of the Cherokee Nation.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the Act of Congress approved June 28, 1898 (30 Stats., 495), and are as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls, the Commission is therein restricted to "Such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully diversed. . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal. . . . . ."

Under the foregoing provisions of the Cherokee law as applied

E-R4514

COMM[illegible] [illegible]

FILED
JAN [illegible] 1902

ACTING CHAIRMAN.

to the facts in this case, it is considered that you have never acquired the rights of an intermarried white person entitled to citizenship under Cherokee laws.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) Tams Bixby.
Acting Chairman.

Register.

Refer in Reply to the following:

Land.
7008-1902.
7272-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, February 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 28, 1902, forwarding for the Department's consideration the memoranda relative to the applications of 155 persons for enrollment as citizens of the Cherokee Nation by intermarriage. The Commission in its said report gives the name of each applicant, and as the report is made in duplicate it is thought unnecessary to repeat the names in this report.

January 28, 1902, the Commission held that under the provisions of the act of June 28, 1898 (30 Stats.,495) and the provisions of an act of the Cherokee National Council approved December 6, 1898, which the record in these cases shows is as follows:

"That from and after the passage of this Act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XXI, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

these applicants were not entitled to enrollment in the Cherokee Nation as citizens thereof by intermarriage.

The record pertaining to each applicant has been examined and this office believes that the Commission's decision is correct; that it should be approved and it so recommends.

The Commission forwarded each of said cases with a separate report, and under the Department's instructions this office should forward each case with a separate report, but inasmuch as all of said applications are for citizenship by intermarriage and as the record shows that the applicants were intermarried with citizens of the Nation subsequent to December 16, 1895, the office has concluded to deviate from the rule heretofore in existence and forward all of said applications in one report.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

SAH
9

Ent inclosures.

[illegible] 1898. [illegible]

I. T. D. [illegible]
D. C. [illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON,

February 22, 1898.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

On January 25, 1898, you rendered a decision in a number of cases of parties applying for enrollment in the Cherokee Nation as citizens by intermarriage, holding that as the parties were married to Cherokee Indians after December 31, 1895, the date of the Cherokee law which provides, "That from and after the passage of this act all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the people of the Cherokee Nation", etc., they were not entitled to enrollment.

Among such cases was that of John A. Brown, Intermarried No. R. 454. On the same day you notified Brown that as he was married February 15, 1896, under authority of a marriage license issued by other than the authorities of the Cherokee Nation, he was not entitled to enrollment, calling his attention to paper

[illegible] and [illegible] of [illegible] of the [illegible] [illegible], (1[illegible]), which [illegible] [illegible] [illegible]. Mention should be [illegible] from [illegible] of the [illegible] [illegible] of the [illegible] [illegible] of the [illegible] [illegible].

In [illegible] was made in this [illegible] to the act of [illegible] [illegible] 1[illegible], 1[illegible]. [illegible] is called to [illegible] [illegible] of [illegible] [illegible] in the case of [illegible] [illegible].

[illegible] to [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

Respectfully,

Geo. Ryan,
Acting Secretary.

Chero. 2 454.

Muskogee, Indian Territory, March 14, 1908.

John A. Brown,

Milvin, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of January 28, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior under date of February 26, 1908.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDRINGHAM.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-454.

Muskogee, Indian Territory, March 15, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of January 28, 1902, rejecting the application of John A. Brown, Cherokee No. R. 454, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28th day of February 1902.

Very respectfully,

C. R. Bredringham.

[illegible]

[illegible], Indian Territory, March 14, 1898.

Mr. John A. [illegible],

[illegible], Indian Territory,

Dear Sir:

When you applied to this tribunal for enrollment as a citizen of the Chickasaw Nation, you filed with your application, marriage license and certificate showing your marriage on the 15th day of February, 1896, to Mrs. [illegible] Chisholm.

This case having been finally disposed of, this marriage license and certificate is hereunto returned to you.

Yours truly,

[illegible] in Charge.

[illegible]

Chor R 455

Applicant REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 4th, 1900.

In the matter of the application of John Wesley Stevenson for the enrollment of himself and children as citizens of the Cherokee Nation; said Stevenson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John Wesley Stevenson.
Q How old are you? A 45.
Q What is your post office? A Southwest City.
Q In what district do you live? A Delaware.
Q Who is it you want to have put on the roll, yourself and family?
A I have two children to put on; I don't guess I can enroll.
Q You want to apply for yourself and go on record? A Yes, sir.
Q You are a white man are you? A Yes, sir.
Q Have you ever been married to a Cherokee woman? A Yes, sir.
Q How many times have you been married? A Twice.
Q Your first wife was a Cherokee woman was she? A Yes, sir.

Com'r:--The applicant presents a license issued by the Clerk of Delaware district, December 12, 1876, authorizing his marriage to Carrie Folsom. The certificate shows that they were united in marriage on the 14th of the same month and within the same year, by N. J, Sherthill, whom the applicant states is a Minister of the Gospel. The document was admitted to record and it is filed herewith.

Q Were you ever married before you married that wife? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q She is dead is she? A Yes, sir.
Q She was a Cherokee by blood? A Yes, sir.
Q When did she die? A She died about 12 years ago.
Q Did you and she live together until she died? A Yes, sir.
Q And in the Cherokee Nation? A Yes, sir, I came to the Cherokee Nation in 1874.
Q Now, have you married since she died? A Yes, sir.
Q To whom have you married the second time? A Hattie West.
Q When did you marry her? A Married her in '95.
Q She is a white woman is she? A Yes, sir.
Q And not a Cherokee citizen? A No, sir.
Q Now, give me the names of your children, please? A Clemmie Riggs.
Q How old is that child? A She is 16 years old.
Q Now, the next child? A Mary Pearl.
Q How old is she? A She s 14.
Q These children are both living are they A Yes, sir.
Q They are both children of your first wife? A Yes, sir.

1880 Roll; page 311, #2267, Carrie Stephen, Delaware.
1896 Roll; page 530, #2781, Clemie R. Stevenson, Delaware.
1896 Roll; page 530, #2783, Mary P. Stevenson, Delaware.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and two children: He is shown to have married his first wife in 1876 in accordance with Cherokee law. She is identified on the supplemental roll of 1880. She died some 12 years ago. Since that time the applicant has remarried to a white woman. He does not appear upon the roll of 1880 or that of 1896, and whatever rights he might have possessed under his first marriage, he would have lost under Section 666 of the 1892 compilation of the Cherokee laws relating to a widow or widower of the Cherokee Nation marrying a person who does not possess the rights of citizenship by blood; the application therefore for his own enrollment is rejected.

John W. Stevenson--2.

The two children named in the testimony, Clemmie R. and Mary Pearl Stevenson, are identified on the roll of 1896. They are children of his first wife, who is identified on the roll of 1896. These children are living now and will be listed for enrollment as Cherokees by blood.

--oo0oo--

J.S.Benson, being sworn under stated that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.S.Benson

Subscribed and sworn to before me this 8th day of December, 1900.

Commissioner.

UNCLASSIFIED

B

CHEROKEE BIRTHS AND DEATHS

TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900

ACTING CHAIRMAN.

Department of Applicants Cherokee Nation.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 4 1900 1900.

Name John W. Stevenson ✓ S. Mitty Dis.

District Year 1895 Page 7 No.

Citizen by blood M Mother's citizenship

Intermarried citizen Yes Sur. US.

Married under what law Date of marriage (1876) (1895)

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Filed DEC 4 1900 Certificate Filed DEC 4 1900

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Marriage license and cert. attached

Married out 1895

R-440.

Cherokee Nation

Delaware District

To any of the Judges or Clerks of this Nation or any Regularly ordained Minister of the Gospel to Search and Return Greeting you are hereby authorized to Solemnize the rites of Marriage between John Stevenson a citizen of the United States and Carrie Polson a Native Cherokee the aforesaid John Stevenson having fully complied with the law regulating Intermarriage of Citizens of the United States with Citizens of this Nation.

In testimony thereof I have hereunto set my hand and affix my Seal of office on the 12th day of December A. D. 1878

(Signed) J. T. Cunningham.

Clerk Dele. Dist. C.N.

Sentinel City Dec. 22nd 1878

I hereby certify that the within named parties John Stevenson and Miss Carrie Polson were by me united in the bonds of matrimony on the 19th ult. at the residence of Dr. W. D. Polson, Cherokee Nation.

(Signed) L. Lilienthal M. D. M.

The within license returned by me as required by law on the 20th of December 1878.

(Signed) J. T. Cunningham.
Clerk Dele. Dist. C.N.

(Seal)

Department of the Interior,

Patents Office to the Five Civilized Tribes,

Muskogee, I.T. April 29, 1904.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original affidavit in substance the nature of the application for marriage of John Stevenson to a citizen of the Cherokee Nation.

D

R455

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING SECRETARY

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of John W. Stevenson, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R.455, it is entitled John W. Stevenson, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. 6-R.455.

(COPY)

COMMISSIONERS.
SIDNEY L. MAYES,
TAMS BIXBY,
THOMAS B. NEEDLES,
CY H. BOOMINHOUR.

ALBERT L. ATLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 456.

Muskogee, Indian Territory,

February 14, 1908.

John W. Stevenson,

Southwest City, Missouri.

Sir:

On the 4th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man; that you were duly married on the 14th day of December, 1876, to one Carrie Polson, a citizen by blood of the Cherokee Nation. You testify that your wife, Carrie Polson, died in 1888, and you further testify that in 1890, and subsequent to the death of your Cherokee wife, you married Mattie West, a white woman. It does not appear that you are identified upon any of the rolls of the Cherokee Nation.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the Act of Congress approved June 28, 1898 (30 Stats., 495), and are as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Con-

gress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said roll, the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the facts in this case, it is considered that under the Cherokee law above quoted you forfeited all such rights as you may have acquired by your marriage to Carrie Polson on the 14th of

December, 1876, by your marriage in 1895 to Mattie West, a white woman, and it is, therefore, considered that you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case, the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

A[redacted].

Se[redacted]T.

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory FEB 14 1902

Received of the Commission to the Five Civilized Tribes one copy of the Commission's order of and citation in the above styled and numbered cause, in the matter of the application of John W Stevenson for enrollment as a citizen of the Cherokee Nation

Attorney for Cherokee Nation

Cherokee No. R 455

Number	Name	Number	Name
153	George H. Warren	190	William M. Stuart
179	George T. Gibbons	240	Frank Graham
241	John Hunt	251	John J. Rice
254	Ewen C. Tyson	255	Richard D. Carrington
264	Reuben T. Kimball	270	Lee Hall
276	Elizabeth Hall	286	William B. Pallock, Jr.
326	Allen W. Busby	327	Cornelia Rosenfield
328	Edith Evans	429	Joseph A. Prather
435	Emily S. Hensley	438	Mary A. Jones
453	John T. Stevenson	455	Frank E. Garrison
457	Samuel H. Carpenter	473	William Hunt
483	M. Courtney	538	William J. Hopkins
[illegible]	Benjamin T. Jackson	550	Mary E. Armstrong
647	Malinda Bennett		

Section 28 of the act of June 30, 1898 (30 Stat., 495) declares:

Sec. 28. That in making rolls of citizenship of the several tribes, as required by law, the commission to the Five Civilized Tribes is authorized and empowered into the Nation of Cherokee citizens or citizens [illegible] and shall not exceeding [illegible] the only rolls intended to be [illegible] by this and preceding [illegible] and to enroll all persons now living whose names [illegible] on said rolls, and all [illegible] since the date of said roll to persons whose names have [illegible] and all persons who have been enrolled by the tribal [illegible] who have heretofore made application to [illegible] in the Cherokee [illegible] or [illegible] Cherokee Blood, have been [illegible] by the tribal authorities, and [illegible] shall [illegible] such persons been so admitted; and they shall [illegible] the rolls of all other persons whose names are [illegible] on said rolls

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, if any, married white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted, herewith.

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

C. A. W. (E.)

Indian. 10000. To J.R.

Department of the Interior,
Washington,
March 26, 1906.

I. T. D. 1707-1906.
R. C. 2007-1906.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adeline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of John T. Stevenson, R 456, is rejected, as held by you in your decision of February 14, 1906, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

R.H.R.

[illegible]. F.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D. 1722-1902. March 28, 1907.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1902, you transmitted the record in the matter of the application for enrollment of Malina Ehel as a Cherokee citizen by intermarriage, &c.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 19, 1888 (see " Laws of the Cherokee Nation" published by the act of the National Council 24 laws), provides:

" Sec. 2nd. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman; or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs under date of [illegible], transmitting the same with others, recommended that your decision be concurred in.

The claimant, as held by you, by virtue of the marriage was entitled her rights to citizenship as a Cherokee citizen by intermarriage after the death of her Cherokee husband, who was not a citizen of the Cherokee Nation, and your decision is approved.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

[illegible]

Acting Secretary.

Enclosure.

[redacted]

[redacted]

[redacted]

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of John W. Stevenson, Cherokee No. D 455, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28 day of March, 1902.

Very respectfully,

Commissioner in Charge.

REJECTED AS TO APPLICANT'S HUSBAND.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 4th, 1899.

D

IN THE MATTER OF THE APPLICATION OF LIZZIE ROGERS FOR THE ENROLLMENT OF HERSELF, HUSBAND AND CHILDREN AS CITIZENS OF THE CHEROKEE NATION, AND SUCH RIGHTS SHOWN AND EXAMINED BY COMMISSIONER, T. B. NEEDLES, TESTIFIED AS FOLLOWS:

Q What is your name? A Lizzie Rogers.
Q Any middle name? A No sir.
Q What is your age? A Thirty two.
Q What is your Postoffice address? A Tahlequah.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood or intermarriage? A By blood.
Q Where do you apply for? A Myself, husband and three children.
Q Is your husband a white man? A Yes sir.

GEORGE RODGERS, APPLICANT'S HUSBAND, BEING SWORN AND EXAMINED BY COMMISSIONER T. B. NEEDLES, TESTIFIED AS FOLLOWS:
Q What is your name? A George Rodgers.
Q What is your age? A Forty four past.
Q What is your Postoffice address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation?
A I reckon I am; I have been here about seven years.
Q By blood or intermarriage? A By intermarriage.
Q What is the name of your wife? A Lizzie Rodgers.
Q What is her age? A She is thirty two.
Q Is she a citizen by blood? A Yes sir.
Q Have you any certificate of marriage? A Yes sir.

By Commissioner T. B. Needles: The applicant presents a certificate of marriage, certifying that he was married to one, Lizzie Sotsee, on the 13th day of February, 1886, according to the laws of the State of Tennessee.

Q Were you ever married according to the laws of the Cherokee Nation? A No sir.

Applicant recalled:
Q What are the names of your children? A Charlie F.
Q How old is he? A Nine years old.
Q Next child? A Lillie.
Q How old is she? A Six.
Q Has she any middle name? A Ann.
Q What is the name of the next one? A William D.
Q How old is he? A Three years old.
Q Next one? A That is all.
Q Is your name on the roll of 1880? A 1883 and 1896.

Interrogatory by Mr. W. W. Hastings, Cherokee Representative:
Q Were you admitted? A Yes sir.

By Commissioner T. B. Needles:
A Have you any certificate of admission? A Yes sir.

By Commissioner T. B. Needles: The applicant presents a certificate, certifying that Lizzie Rodgers and Charlie Rodgers, age two years, were added to the census roll of Tahlequah District. Said certificate is signed by John T. Adair, Assistant Executive Secretary, attested under the seal of the Cherokee Nation.

Interrogatories by Mr. W. W. Hastings, Cherokee Representative:
Q You mean that you were admitted before this by the Commission on citizenship? A Yes sir, by the Council. My case went through Council.

DEPARTMENT OF THE INTERIOR
RECEIVED
TO THE PRESIDENT
FILED
DEC 5 1900
ACTING CHAIRMAN

Q Where? A In 1898.

By Commissioner:
(1896 Roll, Page 1[illegible], [illegible], Lizzie Rogers, Tahlequah D'st)
(1896 Roll, Page 1[illegible], [illegible], Charlie Rogers, Tahlequah D'st)
(1896 Roll, Page 1[illegible], [illegible], Lillie Rogers, Tahlequah D'st)

Q Have you any proof of birth of these younger children? Have you any affidavits made out? A No sir.
Q Are these children living with you at this time? A Yes sir.

George Rodgers resuming:
Q How long have you lived in the Cherokee Nation?
A Been here seven years.

By Commissioner T. B. Needles: The name of George Rodgers appears upon the census roll of 1896, and he files a certificate of marriage, certifying that he was married according to the laws of the State of Tennessee to one, Lizzie Setzer, and her name appears upon the census roll of 1896: She avers that she was readmitted to Cherokee citizenship, but presents no satisfactory proof of same. She also avers that she has two children by said marriage, Charlie and Lillie Rodgers, whose names appear upon the census roll of 1896, and one child, William D. Rodgers, whose name does not appear upon the said roll, and no satisfactory proof of its birth is filed.

Satisfactory proof has been made of their residence: From the testimony, it is shown that the said George Rodgers was never married to his wife, Lizzie Setzer, according to the laws of the Cherokee Nation: Consequently his enrollment will be refused, and he will be rejected. By reason of the fact that no certificate of admission of the said Lizzie Rodgers is presented, final judgment as to her enrollment will be suspended, and her name and the names of her three children will be placed upon a doubtful court, requiring first proof of the admission to Cherokee citizenship of Lizzie Rodgers, and second satisfactory proof of the birth of the youngest child, William D. Rodgers.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this [illegible] day of December, 1900.

COMMISSIONER.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 4 1900

ACTING CHAIRMAN

1900.

Name George Rodgers ✓ Lakiquan ✓

District ..... Year ..... Page ..... No. .....

Citizen by blood no Mother's citizenship .....

Intermarried citizen yes

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

Enrollment Refused

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age

R436

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 4 1900

ACTING CHAIRMAN

George Rodgers
to
Liggie Lester

Issued Feby 14 1885

I Solemnized the Rites of Matrimony between the above named parties on the 15th day of February 1885.

J. W. Holder Minister

STATE OF TENNESSEE,
London COUNTY. } S. S.

I, J. B. Malcom Clerk of the County Court for the County and State aforesaid, do hereby certify that the foregoing is a true and correct copy of the marriage of George Rodgers to Liggie Lester as the same remains of record in my office.

In testimony whereof I have hereunto signed my name and affixed my official seal, at office in London this 30th day of Oct 1900

J. B. Malcom Clerk

R456

OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.

COMMISS

FILED
MAR 24 1902

ACTING CHAIRMAN.

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of the proceedings in the matter of the application for enrollment as a Cherokee citizen of George Rodgers, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 456, it is entitled George Rodgers, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED). T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.456.

1 aud

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 484.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

George Rodgers,

Tahlequah, Indian Territory.

Sir:

On the 4th day of December, 1900, your wife, Lizzie Rodgers, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man; that you were married on the 15th day of February, 1888, according to the laws of the State of Tennessee, to one Lizzie Setzer, alleged to be a citizen by blood of the Cherokee Nation. It does not appear, however, that you were ever married to your said wife by authority of a marriage license issued by the Cherokee tribal authorities; neither does it appear that you are identified on the Cherokee census roll of 1896 or upon any of the tribal rolls of the Cherokee Nation.

The provisions of the law by which this Commission is governed in making rolls of citizenship of the Cherokee Nation are found in the Act of Congress approved June 28, 1898 (30 Stats., 495), and are as follows:

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of

eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 and 331 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Section 659. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal . . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never

acquired the rights of an intermarried white person entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

By (Signed) T. B. Needles [redacted]

[redacted]

Commissioner in Charge.

Inclosure.

Register.

1

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902.

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902, *in the matter of the application of* George Rodgers *for enrollment as* a *citizen* of the *Cherokee Nation.*

W W Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 456.

L.R.S. 19541. E. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 8, 1908.

I. T. D. 1894-1908.
N. C. 5789-1908.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George Rodgers, R 456, transmitted with your letter of February 14, 1908, and the Acting Commissioner's letter of March 31, 1908, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos Ryan,
Acting Secretary.
R.N.R.

L. R. S.

[illegible]

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L. T. D. 1[illegible]-1[illegible]
1[illegible]-1[illegible].
D. C. 3780-1903.

[illegible] 2, 1902.

Commissioner to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Rutherford for enrollment as a Cherokee citizen by intermarriage, R. S., transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1886 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the "laws of the Cherokee Nation," compilation of 1892, viz:

"Section 220. . . . every white man, or citizen of the United States, or of any foreign state or government, desiring to make a Cherokee, 'Delaware or Shawnee' woman, citizen of this nation, shall be and is hereby authorized to obtain a license for the same from any of the district courts of the Cherokee districts, and make oath or affirmation, therein to wed such woman, that he has not a surviving wife, and that he has not been formerly divorced. . . . .

"Sec. [illegible]. Every white man or person applying for license as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. [illegible]. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 21, 1902, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to repeal the ordinance, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Sec. Int.

Acting Secretary.

R.W.W.

1 inclosure.

[illegible]

[illegible], Indian Territory, April 28, [illegible].

Mr. George Rogers,

[illegible], Indian Territory,

Sir:

You are hereby notified that the Commissioner's decision of February 14, [illegible], rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, [illegible].

[illegible]

[illegible]

Registrar.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES,
C. R. BREECHINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee D-656.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George Rodgers, Cherokee No. D-656, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Per R 457

ENROLLED as the wife, family, and child, Payne #:

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 5, 1900.

In the matter of the application of James A. Shelton for the enrollment of himself, wife and child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A James A. Shelton.
Q How old are you? A 24.
Q In what district do you live? A Tahlequah.
Q What is your postoffice address? A Tahlequah.
Q Who is it you want to have enrolled, yourself and family?
A Yes, sir.
Q Have you a wife? A Yes, sir.
Q How many children have you? A One.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a full Cherokee by blood? A No, sir.
Q She is a white woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Give me the name of your father? A Spencer Shelton.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Margaret Shelton.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Bradie.
Q How old is she? A 17.
Q When did you marry her? A 1900.
Q What time in 1900? Have you a certificate of marriage? A Pre-
(Hands papers.)
Sen't: The applicant presents a license issued by the Clerk of the United States Court for the Northern district of the Indian Territory authorizing his marriage to Miss Bradie Burch, under date of March 8, 1900; the certificate shows that they were married in accordance with said license on the day following, by the Rev. Nicholas Ritting.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Has she lived with you ever since you were married to her?
A Yes, sir.
Q Give me the name of your child? A Payne #.
Q How old is that child? A Born 11th of October, 1900? A Yes, sir.
Q That child was born before your marriage? A Yes, sir.
Q That statement is correct is it, that the child was born on the 11th of October, 1899, some months prior to your marriage? A Yes, sir.
1880 roll page 306 #2086 James Shelton Tahlequah Dist, native Cher;
1896 roll page 1240 #2067 James Shelton, Tahlequah Dist.

Com'r Breckinridge: The applicant applied for the enrollment of himself, his wife and one child; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood.

His wife is shown to have married him on March 8th, 1900, of the present year; Neither he nor she was previously married; but the marriage is too late under the Cherokee law of December 16th, 1898, to entitle her to enrollment at this time, she being a white woman; therefore, the application for her enrollment is rejected. The child is shown by the testimony of the applicant to have been born in 1899, and under the conditions the child is not entitled to enrollment, therefore the application for the enrollment of the

child is rejected.

H.B.Green, being first duly sworn, states that as stenographer to the Commission to the five Civilized Nations he correctly reported the testimony and proceedings in the case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) H. B. Green.

Subscribed and sworn to before me this December 5, 1898.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Grevinger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Nations he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Grevinger

Subscribed and sworn to before me this 7th day of November, 1898.

Commissioner.

[illegible] in the Indian Territory, [illegible] [illegible] to [illegible] and to [illegible] officially sign and return [illegible] Diamond in the [illegible] [illegible].

Witness my hand and official seal at Tahlequah, Indian Territory, this the 9 day of Mch A. D. 1900.

(SEAL) (Signed) Charles A. Davidson,
Clerk.

By (Signed) R. W. Triplett, Deputy.

CERTIFICATE OF MARRIAGE,

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I, Nicholas Hitting, a minister of the Gospel do hereby certify, That on the 9 day of March, A. D. 1900, I did duly and according to law as commanded in the foregoing Mandate, solemnize the rite and publish the Banns of Matrimony between the parties named therein.

Witness my hand this 9 day of March A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court for the Northern District of Indian Territory, at Muskogee, Book A, page 200.

(Signed) Nicholas Hitting,
A Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., July 20, 1906.

I, the undersigned a stenographer in the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered evidence in the matter of the application for enrollment as a citizen of the Cherokee Nation of Fanny A. Shelton.

[illegible]

[illegible]

[illegible]

MARRIAGE LICENSE

United States of America
Indian Territory,
Northern District.

To any Person Authorized to Solemnize Marriages Greeting:

YOU are hereby commanded to Solemnize the rite and ceremony of the Bonds of Matrimony between [illegible] A. Walker of [illegible] in the Indian Territory, aged [illegible] years and [illegible] years, [illegible] in the Indian Territory, according to law and do your [illegible]

[illegible] 5-127.

[illegible] OF THE [illegible]

[illegible] BY THE FIVE CIVILIZED TRIBES.

[illegible] the application for the enrollment of Brazie Shelton as a citizen by intermarriage, and for the enrollment of Bryson S. Shelton as a citizen by blood of the Cherokee Nation.

O P I N I O N.

The record in this case shows that on [illegible] 9, 1898, Jesse A. Shelton appeared before the Commission to the Five Tribes, and made application for the enrollment of his wife, Brazie Shelton, as a citizen by intermarriage, and for the enrollment of their minor child, Bryson S. Shelton, as a citizen by blood of the Cherokee Nation. The application also included [illegible] as he has [illegible] disappeared he is not enrolled in this decision.

The evidence shows that Brazie [illegible] married on March 9, 1896, to Jesse A. Shelton, a citizen by blood of the Cherokee Nation.

Section twenty-six of the Act of [illegible] approved July 1, 1902 (Public No. 241), duly ratified as provided for in section seventy-five thereof, provides:

"No white person who has intermarried with a Cherokee citizen since the Nineteenth day of December, 1896, shall be entitled to enrollment or to participate in the distribution of the tribal property of the Cherokee Nation."

The evidence further shows that the minor child, Bryson S. Shelton, was born on October 11, 1898, to Jesse A. Shelton and his present wife, Brazie.

Section [illegible] of the Act of the Cherokee Nation (1892) provides: "That when a man, having by a woman not his wife children, shall intermarry with such woman, such children, if recognized by him, or proved to be his, shall [illegible] be legitimate."

It is, therefore, the opinion of this Commission that Bryson S. Shelton should be enrolled as a citizen by blood of the Cherokee Nation; and it is further the opinion of this Commission that the application for the enrollment of Brazie Shelton as a citizen by intermar-

[illegible] of the [illegible] should be denied, in accordance with the provisions of section [illegible] of the act of Congress approved July 1, 1902 [illegible] Act 32 Stat. [illegible]

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Acting Commissioner.

T. B. Madden
Commissioner.

C. F. Brecklinridge.
Commissioner.

[illegible] at Washington, District of Columbia, FEB -2 1903.

Cherokee B-437

Muskogee, Indian Territory, July 31, 1902.

James A. Shelton,

Tahlequah, Indian Territory,

Dear Sir:

When you applied to this Commission for the enrollment of Bradie S. Shelton as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on March 9, 1900, to Miss Bradie Burch.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. B-193.

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R-457

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 7, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, granting the application of James A. Shelton for the enrollment of his child, Raymon S. Shelton, as a citizen by blood, and rejecting his application for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof, in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Acting Chairman.

Enc. M-724

Cherokee B-457

Vinita, Indian Territory, March 2, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

As directed in Commission's letter of February 26, there is transmitted herewith the original jacket and record in Cherokee case, B-457, Bradie Shelton, et al.

Respectfully,

Clerk in Charge.

Encl. B-85

GMS

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-457

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 8, 1903.

James A. Shelton,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of your minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated February 2, 1903, granting your application for the enrollment of your child, and rejecting your application for the enrollment of your wife.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

Enc. M-124

Register.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. R. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-457

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 5, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day transmitted to the Secretary of the Interior, for review, the record of proceedings had in the matter of the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of his minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his application for the enrollment of his child, and rejecting his application for the enrollment of his wife.

The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

Chairman.

COPY.

Cherokee 8457

Muskogee, Indian Territory, March 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as a citizen by intermarriage, and for the enrollment of his minor child, Raymond S. Shelton, as a citizen by blood of the Cherokee Nation, including the Commission's decision, dated February 2, 1903, granting his application for the enrollment of his child, and rejecting his application for the enrollment of his wife.

Respectfully,

Tams Bixby
Chairman.

Enc. M-2184

Through the

Commissioner of Indian Affairs.

Copy.

Refer in reply to the following:

Land-15322,1903. Department of the Interior,

Office of Indian Affairs.

Washington, October 21,1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated March 5, 1903, from the Commission to the Five Civilized Tribes, transmitting the record relative to the application of James A. Shelton for the enrollment of his wife, Bradie Shelton, as an intermarried citizen, and for the enrollment of his minor child, Raymon S. Shelton as a citizen by blood of the Choctaw Nation. The Commission says that James A. Shelton was also an applicant for enrollment, but that as he is differently classed, he was not embraced in this decision. February 2,1903, the Commission held that Raymon S. Shelton, the minor child, was entitled to enrollment as a citizen by blood, and that Bradie Shelton was not entitled to enrollment as a citizen by intermarriage.

The evidence shows that Bradie Shelton, a white woman, was married to James A. Shelton, a citizen by blood of the Cherokee Nation, March 9,1900. Section 26 of the Cherokee Agreement provides that no white person intermarried with a Cherokee citizen after December 16,1895, shall be enrolled as a citizen of that nation. Raymon S. Shelton was born October 11,1899. He was therefore born prior to the marriage of his father and mother. James A. Shelton claims, however, to be his father, and Section 692 of the Cherokee

Laws declares:

"That when a man having by a woman one or more children shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

In view of this provision of the Cherokee Law it is believed that this minor applicant is entitled to enrollment, and the approval of the Commission's decision with reference to him is recommended.

Bradie Shelton was married to her husband after December 16, 1895, and is not, under existing law, entitled to enrollment, even if the Court of Claims should find that white persons who intermarry prior to that date are entitled to enrollment.

The approval of the Commission's decision with reference to Bradie Shelton is recommended.

Very respectfully,

W.A.Jones,

Commissioner.

GAW-CGC

DC-31625-1903.

Department of the Interior. J.P. FHE

I.T.D.7826-1903. Washington, November 11,1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 31,1903, the Commissioner of Indian Affairs submitted the case involving the application for the enrollment of Bradie Shelton, as acitizen by intermarriage of the Cherokee Nation, and for the enrollment of Raymon S. Shelton, as a citizen by blood of said Nation, transmitted with your letter of March 5, 1903.

The Commissioner recommends that your decision of February 2, 1903, in favor of Raymon S. Shelton and adverse to Bradie Shelton, be concurred in.

It appears that Bradie Shelton, a white woman, was lawfully marriedon March 9,1900, to James A. Shelton, a citizen by blood of the Cherokee Nation. It appears, however, that Raymon S. Shelton was born October 11,1899, to James A. Shelton and this wife.

Referring to section 692 of the Cherokee Laws (1892) which provides:

"That when a man having by a woman one or more children shall afterwards intermarry with such woman, such child or children, if recognized by him, or proven to be his, shall thereby be legitimate."

you held, as stated, that this child was entitled to enrollment; that as the act of July 1,1902 (32 Stat., 716), provides that no white person who has intermarried with a Cherokee citizen since the sixteenth day of December, 1895, shall be entitled to enrollment, Bradie Shelton was not entitled to be enrolled.

Finding no reason to disturb your decision so far as the applicant Raymon S. Shelton is concerned, it is affirmed as to him.

No action will be taken relative to Bradie Shelton until the Court of Claims has passed upon the question of intermarried claimants, submitted to it February 24, 1905.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-457.

Muskogee, Indian Territory, November 19, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1903, rejecting the application for the enrollment of Bradie Shelton as a citizen by intermarriage and granting the application for the enrollment of his minor child, Raymon S. Shelton, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to said Raymon S. Shelton on November 11, 1903.

Respectfully,

Chairman.

COPY

Cherokee R-457.

Muskogee, Indian Territory, November 19, 1906.

Bradis Shelton,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated February 2, 1906, rejecting the application for your enrollment as a citizen by intermarriage and granting the application for the enrollment of your minor child, Rayman S. Shelton, as a citizen by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior as to your said child on November 11, 1906.

Respectfully,

Tams Bixby

Chairman.

D. C. [illegible] - 1906. ([illegible]) [illegible]

[illegible]

[illegible]

I.T.D. [illegible].
I.L.S.

November [illegible], 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to departmental letter of November 11, 1906, in the matter of the application for the enrollment of Brudie Shelton as a citizen by intermarriage of the Cherokee Nation, and for the enrollment of Bayman S. Shelton as a citizen by blood of said Nation, in view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 126, 126, 127 and 128, appealed from the Court of Claims, the application for the enrollment of Brudie Shelton is denied.

The papers in the case have been sent to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

3 inc. to Ind. Off.

Lr 63

[illegible]

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, [illegible] 9, 1906.

Freddie Shelton,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1906, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, December 24, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl. 5-62.
[illegible]

1463

Enrollment
R-692

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 8, 1906.

Eradie Shelton,

Tahlequah, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Fi ve Civilized Tribes, dated February 2, 1905, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beatty

Acting Commissioner.

Encl.R-62.
JMS

C103

Office of Indian Affairs
Received
Dec 10 1906

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 2, 1903, rejecting the application of Bradie Shelton for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

W. O. Beall

Acting Commissioner.

Encl.N-63.
JMM

RETURN TO WRITER, if not James A. Shelton is on the Roll

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE IND. T.

REGISTERED
APR 7 1903
TAHLEQUAH

REGISTERED No 118

James A. Shelton,

Tahlequah, Indian Territory.

2995

REGISTERED MAR 6 1903 MUSKOGEE, IND. TER.

1815

Department of the Interior.

Commission to the Five Civilized Tribes.

In the Matter of the Allotment of the Lands

vs.

Bradie Dalton, et al.

Al

Lea

Her R458

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 8, 1900.

In the matter of the application of Frank M. Garrison for enrollment as a Cherokee citizen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Frank M. Garrison.
Q What is your age? A About 46 or 50, exactly my age I don't know.
Q What is your postoffice? A Vinn.
Q What district do you live in? A Illinois.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, I have been.
Q By blood? A No sir.
Q Intermarriage? A Yes sir.
Q Who do you want to enroll? A Myself.
Q Have you any certificate of marriage? A Yes sir.
Applicant presents a duly authenticated marriage license and marriage certificate certifying that he was married to one Mrs. Nancy Cummings, on the 20th day of September, 1884.
Q Your wife living? A No sir.
Q When did she die? A She died in 1898.
Q Did you live with her until she died? A Yes sir.
Q Have you married since? A Yes sir.
Q What is your wife's name? A Clara Ham.
Q Is she a citizen by blood? A No sir.
Q She's a white woman? A Yes sir.
Q When did you marry her? A In 1900.
Q You are a white man yourself? A Yes sir.
1896 roll: page 238, #69, Francis M. Garrison, Illinois district.

Commissioner Needles-
The name of Frank M. Garrison appears upon the Census roll of 1896. He presents satisfactory proof of his marriage to one Nancy Cummings, a Cherokee citizen by blood, in the year 1884. The testimony shows that the said Nancy Cummings is now dead, and that since the death of his said wife, Nancy Cummings, the said applicant has married one Clara Ham, a non citizen. By the reason of the provisions of Section 666 of the Cherokee Statutes of 1892, and the fact that the said applicant has remarried a white person, his application for the enrolment of himself will be rejected, and he will be refused.

E. L. Rothenberger, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. L. Rothenberger.

Subscribed and sworn to before me this 8th day of December, 1900.

T. B. Needles
Commissioner.

B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 5 1900

ACTING CHAIRMAN.

Enrollment of Applicants Tribes Under Treaty

CHEROKEES BY BLOOD AND ADOPTION.

69

Date DEC 5 1900 1900.

Name Frank M. Garrison Frank D.

District ILLINOIS. Year 1896 Page 928 No. 69

Citizen by blood no Mother's citizenship

Intermarried citizen (yes)

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected - married out

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

In 1896 roll as Francis M. Garrison

Cherokee R-658.

Cherokee Nation,
Canadian District.

To any-person legally authorized person of this Nation-Greeting:

You are hereby authorized to solemnize the rites of Matri-

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 30 1902
ACTING CHAIRMAN

Cherokee R-456.

Cherokee Nation,
Canadian District.

To any person legally authorized person of this Nation-Greeting:

You are hereby authorized to solemnize the rites of Matrimony for Frances M. Garrison. A white man and citizen of the United States aged 33 years and Nancy Cummings a Cherokee Lady, and citizen of Illinois District Cherokee Nation aged about 45 years.

The said Frances M Garrison having complied with the laws of the Cherokee Nation regulating marriage intermarriage of white man and Cherokee woman the oath has been administered to the said F. M. Garrison as the Law directs.

Given under my hand and seal of office on this the 31st day of July A. D. 1884.

(Signed) John Smith,
(SEAL) Clerk Canadian District, C. N.

Recorded September 29th, 1884, (Signed) John Smith, Clerk Canadian District, C. N.

Cherokee Nation,
Illinois District, I. T.

To all whom it may concern.

This is to certify that I have this day joined in the holy bonds of Matrimony Mr. F. M. Garrison and Miss Nancy Cummings this the 20 day of Sept in the year of our Lord 1884 witness my hand and seal

(SEAL) (Signed) R. H. Ferguson,
ordained Minister of the Gospel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. July 20, 1902.

I, the undersigned a stenographer to the above named Commission do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application of Frances M. Garrison for enrollment as a citizen of the Cherokee Nation.

Frances M. Garrison

D

R 458

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Frank M. Garrison, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 458, it is entitled Frank M. Garrison, and is known as a Cherokee rejected application.

Respectfully,

SIGNED. T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.458.

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Frank M. Garrison, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 458, it is entitled Frank M. Garrison, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.458.

aab

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 458.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Frank K. Garrison,

Vian, Indian Territory.

Sir:

On the 5th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man; that you were duly married on the 30th day of September, 1884, to one Mrs. Nancy Cummings, alleged to be a citizen by blood of the Cherokee Nation. You testify that your said wife died in 1899, and that subsequent to her death in the year 1900, you married Clara Ham, a white woman. It appears that you are identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation the Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have

been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

It does not appear from the testimony that you were married to Mrs. Nancy Cummings by authority of a Cherokee marriage license, but assuming such to have been the case, then by your marriage to Clara Ham, a white woman, you have forfeited all such rights as you may have acquired by your former marriage, and it is considered,

therefore, that you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) [redacted]

[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

Transmit opinion.

Van Cleave

N4

[illegible]

Number	Name	Number	Name
253	George M. Warren	168	William B. Saunders
255	George F. Gibbony	260	Frank Gordon
256	John Hart	261	John F. Rice
264	Enos V. Parsons	268	Richard B. Harrington
269	Lambert T. Hargrave	270	Ben Reid
272	Elizabeth Hall	273	William B. Wallace, Sr.
324	Silas T. Quinn	327	Cameron Youngblood
328	Edith Evans	425	Joseph A. Brutton
426	Emily C. Hensley	436	Mary A. Jones
466	Jean V. Stevenson	466	Frank E. Carmichael
467	Samuel J. Carpenter	475	Lillie Moore
488	Ed Martinez	532	William B. Hartline
544	Sandel M. Trepten	559	Hank B. Armstrong
600	Malinda Lagham		

Section 21 of the Act of June 28, 1898 (30 Stat. 495) declares:

SEC. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were living when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other roll

R456

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1902

ACTING CHAIRMAN.

and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 666 of the Cherokee laws is as follows:

Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section governs the cases transmitted herewith.

These applicants were first married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the citizen wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered these cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. S. Tonner,

Acting Commissioner.

S. A. T. (E.)

19689. F.

L.R.S. J.P.

Department of the Interior,

Washington,

March 26, 1902.

I.T.D. 1788-1902.
D. C.5510-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Frank M. Garrison, R 458, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F.L. Campbell,

Acting Secretary.
E.M.D.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D. 1759-1903. March 26, 1904.

Commission to the Five Civilized Tribes.

Dawes, I. T.

Gentlemen:

February 14, 1903, you transmitted the record in the matter of the application for enrollment of Adaline Abel as a Cherokee citizen by intermarriage.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1882; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee law," you rejected the application because the Cherokee law of October 15, 1895 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

"Sec. 2d. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of citizenship by blood; in that case, all or his or her rights acquired under the provisions of this act, shall cease".

Inclosure.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF CIVILIZED TRIBES.

FILED
1902

ACTING COMMISSIONER.

-2-

The Acting Commissioner of Indian Affairs March 26, 1909, transmitting the case with others, recommended that your decision be concurred in.

The claimant, he said by reason of the Cherokee Nation recognized her rights to enrollment as a Cherokee citizen by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

R. E. Campbell,

Acting Secretary.

E.L.D.

Enclosure.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 20 1902
ACTING CHAIRMAN

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

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[redacted]

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[redacted]

[redacted]

[redacted]

[redacted]

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREARINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1906.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1906, rejecting the application of Frank K. Cornish, Cherokee No. R 455, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 30 day of March, 1906.

Very respectfully,

[redacted]

Cherokee D-[illegible]

Muskogee, Indian Territory, July 31, 1902.

Frank M. Carrison,

Vian, Indian Territory,

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on September 20, 1896, to Mrs. Nancy Cummings.

The case is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Encl. D-[illegible] 1/2.

Chor R 459

Chor R 459

Department of the Interior,
Commission to the Five Civilized Tribes
Tahlequah, I. T. December, 8th, 1900

In the matter of the application of Franklin J. Willis for enrollment as a Cherokee citizen. He being sworn before Commissioner Needles, testified as follows-

Q What is your name? A. Franklin J. Willis.
Q How old are you? A. 26.
Q What is your post office address? A. Tahlequah.
Q What dist rict do you live in? A. Tahlequah.
Q Who is it that you want to have enrolled? A. Myself.
Q Are you a Cherokee citizen by blood? A. No sir, by intermarriage.
Q Have you a certificate of marriage? A. Yes sir I have a copy.
Q Did you have a marriage license? A. No sir.

Applic nts presents a copy of a marriage certificate, certifying that he was married to one Daisy E. Johnson, a Cherokee by blood on the 26th of December, 1896.

Q You just apply for yourself? A. Yes sir, me and my wife have seperated.

The name of Franklin J. Willis does not appear on any of the rolls of the Cherokee Nation. He presents a certificate of marriage certifying that he was married to Miss Daisy E. Johnson a Cherokee citizen on the 26th of December, 1896, but he presents no marriage license or certified copy thereof. The testimony shows that he was married in December of 1896, too late under the Cherokee laws for inter-married whites to acquire the rights of Cherokee citizens and he does not present a marriage license as provided by the Cherokee law, consequently his application for enrollment is refused and he will be rejected.

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 8th of December, 1900.

C. Needles
Commissioner.

R.459 B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 5 1900

ACTING CHAIRMAN.

Commission of applicant whose name follows:

CHEROKEES BY BLOOD AND ADOPTION.

No. Date DEC 5 1898 1900.

Name Franklin J. Millie Tahlequah I.T.

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage 1896

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children: Rigsbee Marsiulao

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Separate Recs. of Daisy Mills

B

BES.

FILED
DEC 1900

ACTING CHAIRMAN

Cherokee Nation
Indian Territory.

I a minister of the Gospel do hereby certify that this on the 28 day of December A.D. 1908 I did by and according to law as commanded in the foregoing license, solemnize rite and publish the banns of matrimony between Frank Willis and Daisy E. Johnson.

Witness my hand this 28th day of December 1908.

Nicholas Biddle,

Minister.

I hereby certify the above to be a true copy of the original Certificate of marriage This Dec. 28th 1908.

Arch Spears,

Deputy Clerk T.D.C.N.

Executive Office Cherokee Nation

Tahlequah I.T.

I, B.W. Alberty, assistant Executive secretary of the Cherokee Nation do hereby certify that the fore-going is a true copy taken from the marriage record of Tahlequah District, Cherokee Nation, now filed in this office and in my custody.

Given under my hand and the seal of the Cherokee Nation this the 4th day of December 1910.

B. W. Alberty

Assistant Executive secretary,

Cherokee Nation.

4)

R-1159

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Franklin J. Willis, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and fifty-nine, it is entitled Franklin J. Willis, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

COMMISSIONERS.
HENRY L. DAWES
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 480.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1908.

Mr. Franklin J. Willis,

Tahlequah, Indian Territory.

Sir:

On the 5th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation;

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the Commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, the rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Articles XVI, Sections 655 to Sec/ 660, inclusive pages 330 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delaware, or Shawnee by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed." .

It appears from the testimony in this case that you were married on the 20th day of December, 1896, to Daisy E. Johnson, a citizen by blood of the Cherokee Nation. It does not appear that you are identified on the Cherokee Senate roll of 1896 and your said marriage was contracted after the enactment of the Cherokee marriage law of December 14, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (signed) [redacted]

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 1902

ACTING CHAIRMAN

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2113-1902.
D. C. 6287-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Franklin J. Willis, R 459, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1230-1902.
D. C. 5861-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire, by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 28 1902

ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian, not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee-R-489.

Muskogee, Indian Territory, April 17, 1902.

Mr. Franklin J. Willis,

Tahlequah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
WARREN L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDEEN.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PAPER IN REPLY TO THE FOLLOWING
Cherokee-R-450.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

SIR:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Franklin J. Willis, Cherokee No. R 450, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 460

Cher R 460

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

TAHLEQUAH, I.T., [illegible] 5th, 1900.

IN THE MATTER OF THE APPLICATION OF Amy Goss for the enrollment of herself, her husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name please? A Amy Goss.
Q Have you a middle name? A No sir.
Q How old are you? A Twenty six years old.
Q What is your Postoffice? A Chelsea.
Q In what district do you live? A Coowescoowe.
Q Who is it you want to enroll? A Myself, husband and four children.
Q Do you apply for your husband? A Yes sir.
Q And how many children? A Four.
Q Are you a Cherokee by blood? A Yes sir.
Q Your husband is a white man, is he? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A No sir.
Q How long have you lived in the Cherokee Nation? A About two years in all.
Q Have you lived here for the last two years? A No sir, I have lived here ever since last January.
Q Are you on any roll of the Cherokee Nation? A I am on the '93 roll.
Q You were put on the 1896 Roll: You were not here though?
A No sir.
Q You mean the Cherokee Pay Roll? A Yes sir.
Q 1894 Roll? A Yes sir.
Q Did you draw your Cherokee strip money? A Yes sir.
Q You have only lived here continuously since [illegible] last January?
A Yes sir, that is all.
Q Where did you live before? A In Georgia.
Q Give me the name of your husband? A Walter N. Goss.
Q When were you married to him? A In 1891.
Q How old is your husband? A He is twenty nine years old.
Q Have you a license and certificate of your marriage? A No sir.
Q You were married in Georgia, were you? A Yes sir.
Q Give me the names of your children please? A Lelia M.
Q How old is that child? A She is eight years old.
Q Give me the name of the next child? A Clarice M.
Q How old is that child? A Six years old.
Q Give me the name of the next child? A Bennie L.
Q How old is that child? A She is four years old.
Q Give me the name of the next child? A [illegible] A.
Q How old is that child? A Two years old.
Q Next child? A That is all.
Q Four children? A Yes sir.
Q These children are all living now, are they? A Yes sir.
Q Did you draw strip money for any of these children?
A One of them; the oldest one.

(1894 Roll, Page [illegible], [illegible], Amy Goss, Coowescoowe District)
(1894 Roll, Page [illegible], [illegible], Lelia Goss, Coowescoowe D'st)

Q Give me the name of your father? A Benjamin A. F. Fullmer/
Q Is he living? A Yes sir.
Q Where does he live? A In Coowescoowe District.
Q Give me the name of your mother? A Julia.
Q Is she living? A No sir, she is dead.
Q You were never in the Cherokee Nation until January of this year? A Yes sir.
Q When were you here? A In May 1898.

Q How long did you stay here? A Until December 20th.
Q In what year, 1893? A Yes sir, 1893. Then I came back the next Summer, in July.
Q Was your father ~~[illegible]~~ admitted to citizenship in 1887?
A Yes sir, I guess he was: He has got the certificate.
Q He brought you here in 1893? A Yes sir.
Q And you left in December of the same year? A Yes sir.
Q Went back to Georgia? A Yes sir.
Q And stayed there until January of this year? A Yes sir, except just a trip back here.
Q In what year? A 1894.
Q The time you drew your strip money? A Yes sir.
Q You married in Georgia? A Yes sir.
Q These children were all born in Georgia? A Yes sir.
Q Did your father go back with you in 1893? A No sir, he never went back until 1895: News Year day, 1895, he got back.

By Com'r. C. R. Breckinridge: An official copy of the records of the Cherokee Commission on Citizenship, on file in the case of Benjamin F. Palmour, shows that on the 22nd of September, 1887, the applicant, at that time, by the name of Amy Palmour, aged thirteen years, was admitted to citizenship as a Cherokee by blood by the Cherokee Commission on Citizenship.
Q How long did you stay when you came in 1894? A Just a few days.
Q In the mean while, you had previously married in Georgia?
A Yes sir.
Q You were living there? A Yes sir.

By Com'r C. R. Breckinridge: The applicant applies for the enrollment of herself, her husband and four children. She is shown to have been admitted to citizenship by the Cherokee Commission on Citizenship in 1887. While still a minor she came to the Cherokee Nation, in 1893 and returned to Georgia within the same year: She there lived with the exception of a few days spent in the Cherokee Nation in 1894, when she returned to Georgia, and she has continued to live there until January of the present year: There, she was married, and there all of her children were born: She is identified on the roll of 1894: Section Twenty One of what is known as the Curtis Law, approved December 28th, 1898, provides that no person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship: The applicant is now twenty six years of age, and during all of her majority down to January of the present year she has lived in the State of Georgia. The provision of the law just cited is a clear inhibition to her enrollment at this time, and her application will be rejected.
She states that she and her husband were married under United States law in 1891: He is not identified on any roll: In no way is he entitled to enrollment, and the application for his enrollment is rejectedThe four children named in the testimony have only the rights their mother might enjoy, and in accordance with the decision in her case, ~~[illegible]~~ application for their enrollment is rejected.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 5th day of December, 1900.

COMMISSIONER.

B

DEPARTMENT OF THE IN[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 5 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(29)

Date DEC. 5 1900 1900.

Name Martin M. Goss Chilsea I. T.

District — Year — Page — No.

Citizen by blood — Mother's citizenship

Intermarried citizen — Rejected

Married under what law Date of marriage

License (D) Certificate

Wife's name Amy Goss

District Tahlequah Year 1894 Page 202 No. 1882

Citizen by blood yes Mother's citizenship

Intermarried citizen no

Married under what law Date of marriage

License Certificate

Names of Children:

Lelia M. Goss	Dist. Ch.	Year 1894	Page 202	No. 1883	Age 8
3 Clarice E. "	Dist. "	Year	Page	No.	Age 6
4 Bonnie L. "	Dist. "	Year	Page	No.	Age 4
Ethel A. "	Dist.	Year	Page	No.	Age 2
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

Son 1894 roll as Lelia Goss

3, 4 and 5 Birth affidavits required.

26

20

IN RE

Application for Enrollment of

INFANT CHILD

Clarie E. Goss

as a citizen of the

Cherokee Nation.

Approved, January 16 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 16 1901

ACTING CHAIRMAN

R A 60

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Clarie E Goss (Here insert name of child.), born on the 23rd day of Nov, 1894

Name of Father: Walter N. Goss, a citizen of the Cherokee Nation.

Name of Mother: Amy Goss, a citizen of the Cherokee Nation.

Post-office, Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Amy Goss, on oath state that I am 26 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Walter N. Goss, who is a citizen, by adoption, of the Cherokee Nation; that a female (male or female) child was born to me on the 23 day of Nov 1894; that said child has been named Clarie E Goss, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

X Amy Goss

Subscribed and sworn to before me this 11th *day of* Jan 1901.

David G. Elliott
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
Northern District.

I, Walter N. Goss, a ....., on oath state that I was Present attended on Mrs. Amy Goss, wife of Walter N. Goss, on the 23 day of Nov, 1894; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named .....

WITNESSES TO MARK:

(Must be Two Witnesses.)

Walter N Goss

Subscribed and sworn to before me this 11 *day of* Jan 1901.

David G Elliott
NOTARY PUBLIC.

United States of America

Ind Ter, Northen district.

I Walter N Goss, on oath state that the Physician that atended on my wife Amy, Goss, is dead and his afidavit canot be goten but I make oath that I am the lawful Father of the minor child and that I a was presant at the pearth of said child.

Walter N Goss

Subscribed and sworn to before me this the IIth day of Jan, 1901.

David G Elliott

Notary public.

10

20

IN RE

Application for Enrollment of

INFANT CHILD

Bonnie L. Goss

as a citizen of the

Cherokee Nation.

Approved, DEC 5 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 5 1900

ACTING CHAIRMAN.

R460

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,

of Bonnie L Goss, born on the 27 day of Dec, 1896
(Here insert name of child.)

Name of Father: Walter V Goss, a citizen of the Cherokee Nation.

Name of Mother: Amy Goss, a citizen of the Cherokee Nation.

Post-office, Colcord

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
North District.

I, Amy Goss, on oath state that I am 26 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Walter V Goss, who is a citizen, by adoption, of the Cherokee Nation; that a female child was (male or female) born to me on the 27 day of Dec 1896; that said child has been named Bonnie L Goss, and is now living.

WITNESSES TO MARK:

Amy Goss

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 *day of* Nov 190 0

David G Elliott
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY.
North District.

I, Virginia DeLozier, a midwife, on oath state that I attended on Mrs. Amy Goss, wife of Walter V Goss, on the 27 day of Dec, 1896 that there was born to her on said date a female child; that said child is now living and is said to have been (male or female) named Bonnie L Goss

WITNESSES TO MARK:

Virginia DeLozier

(Must be Two Witnesses.)

Subscribed and sworn to before me this 21 *day of* Nov 190 0

David G Elliott
NOTARY PUBLIC.

20

IN RE

Application for Enrollment of

INFANT CHILD

Ethel A. Goss

as a citizen of the

Cherokee Nation.

Approved, DEC 5 1900 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 5 1900

ACTING CHAIRMAN.

X 460

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation, of Ethel A. Goss (Here insert name of child.), born on the 10 day of Oct, 1898

Name of Father: Walter N. Goss, a citizen of the Cherokee Nation.

Name of Mother: Amy Goss, a citizen of the Cherokee Nation.

Post-office, Chelsea

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. North District.

I, Amy Goss, on oath state that I am 26 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Walter N. Goss, who is a citizen, by adoption, of the Cherokee Nation; that a female (male or female) child was born to me on the 10 day of Oct 1898; that said child has been named Ethel A. Goss, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Amy Goss

Subscribed and sworn to before me this 26 *day of* Nov *190*0.

David G. Elliott
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. North District.

I, Zona Goss, Midwife, on oath state that I attended on Mrs. Amy Goss, wife of Walter N. Goss, on the 10 day of Oct, 1898; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Ethel A. Goss.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Zona A. Goss

Subscribed and sworn to before me this 26 *day of* Nov *190*0.

David G. Elliott
NOTARY PUBLIC.

Cherokee R 100

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DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amy Goss for the enrollment of herself and her minor children Lelia M., Clarice E., Bennie L. and Ethel A. Goss as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Walter H. Goss, as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

--ooo--

The record in this case shows that on December 5, 1900, Amy Goss appeared before the Commission at Tahlequah, Indian Territory, and then and there made personal application for the enrollment of herself and her minor children Lelia M., Clarice E., Bennie L. and Ethel A. Goss as citizens by blood of the Cherokee Nation, and for the enrollment of her husband Walter H. Goss as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that Amy Goss, the principal applicant was admitted to citizenship in the Cherokee Nation on September 24, 1889, but that she did not remove to and settle permanently in the Cherokee Nation until January, 1890. Walter H. Goss is a white man and was married to said Amy Goss under the laws of the State of Georgia in 1891. The above named children are the result of said marriage and take the status of their parents. The principal applicant, Amy Goss and her daughter Lelia M. Goss are identified upon the Dawes payment roll of 1896. Neither Walter H. Goss or his children Clarice E. and Bennie L. appear to be upon any tribal roll.

The authority of the Commission herein is defined in paragraph 9, Section 21 of the Act of Congress, June 28, 1898 (30 Stats.495) which provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

It is therefore the opinion of this Commission that Ray Cone and her minor children Lelia M. Cone, Marion R. Cone, Bessie L. Cone, and Ethel A. Cone are not lawfully entitled to be enrolled as members by blood of the Cherokee Tribe of Indians in Indian Territory and that Walter E. Cone is not lawfully entitled to be enrolled as a member by intermarriage of the Cherokee Tribe of Indians in Indian Territory, and that the application for their enrollment as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[illegible], Commissioner.

[illegible], Commissioner.

C. R. Breckinridge, Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 20 1902

Chas. R-460.

COPY.

Muskogee, Indian Territory, May 20, 1907.

Amy Goss,

Chelsea, Indian Territory.

Madam:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of yourself and your minor children, Lelia M., Clarice E., Bonnie L. and Ethel A. Goss, as citizens by blood of the Cherokee Nation, and for the enrollment of your husband, Walter N. Goss, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

Enc. R-460.
Registered.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREckinridge
ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherc. R-460.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of Amy Goss for the enrollment of herself and her minor children, Lelia M., Clarice E., Bennie L. and Ethel A. Goss, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Walter N. Goss, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Acting Chairman.

Enc. R-8.

(1)

Muskogee, Indian Territory, May 20, 1908.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Amy Gess for the enrollment of herself and her minor children, Lelia M., Clarice E., Bennie L. and Ethel A. Gess, as citizens by blood of the Cherokee Nation, and for the enrollment of her husband, Walter E. Gess, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission dated May 20, 1908, refusing the application for the enrollment of Amy Gess et al. as citizens of the Cherokee Nation.

Very respectfully,

(SIGNED) Tams Bixby.
Acting Chairman.

1 Enc. R-400.

Through the Commissioner
of Indian Affairs.

Refer in reply to
the following:
Land
31143-1902.

COPY.

Department of the Interior,

Office of Indian Affairs,

Washington, August 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit a report made May 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Amy Goss, for the enrollment of herself and her minor children Lelia M., Clarice E., Bonnie L., and Ethel A., as citizens by blood of the Cherokee Nation, and for the enrollment of her husband Walter N. Goss, as a citizen by intermarriage of the Cherokee Nation.

The evidence shows that Amy Goss was admitted to citizenship in the Cherokee Nation September 22, 1887, but that she did not remove to and permanently settle therein until January, 1900; that she was married to her husband, a white man, under the laws of the State of Georgia; and that she and her daughter, Lelia M. are identified upon the strip payment roll of 1894.

Inasmuch as the applicants did not settle in the Cherokee Nation until 1900, the Commission declined to place their names upon the roll. The office believes the Commission was correct in it's action and respectfully recommends that it's decision be affirmed by the Department and the Commission advised to that effect.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

EGY

3 inclosures.

R 460

D. C. No. 13923-1902.

L. R. S. 49889 RAF

ITD.5011-1902.

DEPARTMENT OF THE INTERIOR.

Washington, August 20, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

With your letter of May 20, 1902, you transmitted the record in the matter of the application for enrollment of Amy Goss and her minor children, Lelia M., Clarice E., Bonnie L., and Ethel A. Goss, as citizens by blood, and her husband, Walter N. Goss, as an intermarried citizen of the Cherokee Nation.

The evidence shows that Amy Goss was admitted to Cherokee citizenship September 22, 1887, but did not remove to and permanently settle in said nation until January, 1900; that she and Lelia M. Goss are identified upon the strip payment roll of 1894. Section 21 of the Act of June 28, 1898 (30 Stat., 495), declares: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship." You therefore refused the application on May 20, 1902.

The Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of August 16, 1902, is inclosed.

The Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

EMD.

COPY

[illegible] 2 [illegible]

[illegible], Indian Territory, [illegible]

Mrs. [illegible],

[illegible], Indian Territory.

Madam:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting your application for the enrollment of yourself and your four minor children, Lelia M., Charles E., Dennis L. and Ethel A. Cook, as citizens by blood, and for the enrollment of your husband, Walter F. Cook, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 20, 1902.

Respectfully,

Tams Bixby
Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 469.

Muskogee, Indian Territory, September 4, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of Amy Gess for the enrollment of herself and her four minor children, Lelia M., Clarice M., Dennis L. and Ethel A. Gess, as citizens by blood, and for the enrollment of her husband, Walter N. Gess, as a citizen by intermarriage, of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 20, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

C O P Y.

DEPARTMENT OF THE INTERIOR, FWS
Washington, April 2, 1904.

I.T.D. 5011-1902,
7162-1903.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

August 20, 1902, the Department affirmed your decision rejecting the application for the enrollment of Amy Goss, her husband Walter N. Goss, and her minor children, Lelia M., Clarice M., Bennie L. and Ethel A. Goss, as citizens of the Cherokee Nation.

On September 21, 1903, you requested that the case be remanded, in order that it might be readjudicated by you in accordance with the opinion of the Assistant Attorney General of March 16, 1903, in the Yeargain case. The Indian Office concurred in your suggestion in its letter of October 7, 1903.

The Department considers it proper to remand this case, in order that further testimony may be taken, upon the request of the applicants or the Cherokee Nation, and for readjudication in accordance with present rulings. The decision of August 20, 1902, is therefore rescinded and the testimony and papers attached thereto are inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee R-460

Tahlequah, Indian Territory, April 16, 1904.

Amy Goss,

Chelsea, Indian Territory.

Dear Madam:

On April 4, 1904, the action of the Secretary of August 20, 1902, approving the Commission's decision denying the application for the enrollment of yourself and children as citizens by blood, and your husband as a citizen by intermarriage, of the Cherokee nation, was rescinded and your case was remanded for further testimony and readjudication.

You are, therefore, hereby notified that any further testimony you may have tending to establish the rights of yourself and family to enrollment can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 14th, 1904. Evidence is particularly required as to your residence.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MPM

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee R-460

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Tahlequah, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

On April 4, 1904, the action of the Secretary of the Interior Of August 20, 1904, approving the Commission's action denying the application for the enrollment of Amy Goss and her children as citizens by blood, and her husband as a citizen by intermarriage, of the Cherokee nation, Cherokee R-460, was rescinded and said case was remanded for further testimony and readjudication.

The principal applicant has this day been notified that any further testimony she may have to introduce can be presented at the Cherokee Land Office of this Commission at Tahlequah, Indian Territory, on or before May 18, 1904, at which time you can, if you desire, be present and introduce testimony on behalf of the Cherokee nation. Evidence is particularly required as to residence.

Respectfully,

C. R. Breckinridge.

Commissioner in Charge
Cherokee Land Office.

MTM

Muskogee, Indian Territory, June 10, 1904.

Commission to the Five Civilized Tribes,
(Cherokee Division),
Muskogee, Indian Territory.

Gentlemen:

There are transmitted herewith jackets and records in the following Cherokee cases:

Cherokee R-439. Sertie Johnson, et al.
Cherokee R-440. Walter N. Gose, et al.
Cherokee R-404. Hugh B. Henry, et al.
Cherokee R-125. George W. Martin, et al.

On April 4, 1904, these cases were reopened by the Secretary of the Interior and remanded to the Commission for the purpose of receiving further testimony in the same. On April 16, the principal applicants in the above cases, their attorneys and the Attorney for the Cherokee Nation, were advised of the action of the Department and notified that they would be given until May 18, 1904, in which to appear before this office for the purpose of introducing any further testimony they desired.

There were no appearances on or before May 18, 1904, and

Commissioner --2.

The records in the above cases are therefore transmitted to the Commissioner for such further action as it desires to take.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

MMM
Encl. 1-193

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COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECHINRIDGE,
WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-445.

Muskogee, Indian Territory, March 10, 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the letter of the Commission to the Five Civilized Tribes, dated March 10, 1905, to the Secretary of the Interior recommending that the Commission's decision dated May 20, 1902, rejecting the application for the enrollment of Walter N. Goss, his wife Amy Goss, and his minor children, Lelia M., Clarice E., Bonnie L. and Ethel A. Goss, as citizens of the Cherokee Nation, be approved, except in so far as said decision applies to the enrollment of Walter N. Goss as a citizen by intermarriage.

Respectfully,

Chairman.

Incl. 8-76.

DGD

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

CITE IN REPLY TO THE FOLLOWING:
Cherokee R-460.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 10, 1905.

Walter N. Goss,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the letter of the Commission to the Five Civilized Tribes, dated March 10, 1905, to the Secretary of the Interior recommending that the Commission's decision dated May 20, 1902, rejecting the application for the enrollment of yourself, your wife Amy Goss, and your minor children, Lelia M., Clarice E., Bonnie L. and Ethel A. Goss, as citizens of the Cherokee Nation, be approved, except in so far as said decision applies to the enrollment of yourself as a citizen by intermarriage.

Respectfully,

Chairman.

Incl. S-75.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. ARRINGTON,

WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department in its letter of April 2, 1904,(I.T.D. 7188-1903), upon request of the Commission, remanded the case of Walter N. Goss et al., Cherokee R-469, for readjudication in the light of the rulings in the Yeargain and other similar cases.

Upon re-examination of said cause, this Commission can find no error in its decision of May 20, 1902, denying the application of said Walter N. Goss et al., for enrollment as citizens by blood of the Cherokee Nation, and considers the rulings in the Yeargain and other similar cases not applicable to the within cause, and respectfully recommends its said decision be approved, except as to Walter N. Goss, who claims by intermarriage.

Respectfully

Through the

Commissioner of Indian Affairs.

CHAIRMAN

COMMISSIONER

COMMISSIONER

Enc. R-469

(C O P Y)

Land

10402-1906 DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 21, 1906

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated March 10, 1906, transmitting the record of the application for enrollment as citizens by blood of the Cherokee Nation by Amy Goss for herself and her minor children, Leila W., Clarice M., Bennie L., and Ethel A. Goss, and for her husband, Walter N. Goss, as a citizen by intermarriage.

May 20, 1902, the commission decided adversely to all the applicants. August 20, 1902, the Department affirmed the Commission's decision.

April 2, 1904, (I.T.D. 5011-1903 and 7162-1903) the Department at request of the Commission remanded the case for re-adjudication. March 10, 1905, the Commission affirmed its decision of May 20, 1902, except as to Walter N. Goss, the claim by intermarriage.

The record shows that no testimony has been adduced since the Commission's decision of May 20, 1902, and it does not appear that said decision is contrary to any ruling of the Department.

In view of the recent the approval of the Commission's decision of March 19, 1956, adverse to the applicants is recommended.

Very respectfully,

G. P. Earnhee

Acting Commissioner

M.M.M.

E.

[illegible] OF THE [illegible]

OFFICE OF [illegible] AGENT.
[illegible].

[illegible] 1,1920

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

March 24, 1920, the Indian Office submitted the [illegible] has enrolment case of Ay Gone for herself and minor children, Lelia V., Charles E., Lucile L., and Ethel A. Gone, and for her husband, Walter E. Gone, a white man, as a citizen by intermarriage, and recommended that the decision of the commission to the Five Civilized Tribes of May 20, 1920, adverse to the applicants be affirmed.

The ages of said children when the testimony was taken, December 8, 1919, were, respectively, 8 years, 6 years, 4 years, and two years.

It is shown that Ay Gone was admitted to citizenship in the Cherokee Nation September 22, 1897, when she was 18 years of age and residing in Georgia. She married Walter E. Gone in Georgia in 1898. In 1899, when about 20 years of age, she came to the Cherokee Nation with her father, who was also admitted to citizenship in 1897. She resided in the nation from May to December, 1899, and returned to Georgia where she continued to reside until January 1902. The children were all born in Georgia.

It will be observed that Lolin and Charles were born prior to June 6, 1898. The Chinese act of December 6, 1894, which required Chinese children to permanently leave China the age by June 6, 1898.

The principal applicant came to the Chinese prior to January, 1900, and was there until the testimony in this case was taken. It is not shown that the children were with her during this time.

The principal applicant and her daughter, Lolin, are identified upon the city payment roll of 1894.

Referring to paragraph 9, section 21 of the act of June 30, 1902, the Commission rejected the application.

In accordance with the rulings of the department in the case of Mary L. Furbishment et al. (See opinions of the Assistant Attorney-General of March 11, December 20, and May 27, 1903), the decision of the Commission is hereby affirmed.

A copy of said Union Office letter is inclosed.

Respectfully,

(signed) E. A. [illegible]
Secretary.

2 Inclosure

Cherokee Roll.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 12, 1908.

Walter W. Goss,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 10, 1908, rejecting the application for the enrollment of your wife, Amy Goss, and minor children, Lelia M., Charles E., Bessie L. and Ethel A. Goss, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 4, 1908.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

Commissioner.

Encl. S-119

Returned unclaimed

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

[redacted], Indian Territory, [redacted] 18, 1906.

W. W. [redacted],

Attorney for the [redacted] nation,

[redacted], Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated March 20, 1905, rejecting the application for the enrollment of Amy, Lelia M., Clarice E., Bennie L. and Ethel A. Gass as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on November 1, 1906.

For your information, there is inclosed herewith a copy of Departmental decision above referred to.

Respectfully,

Commissioner.

Incl. S-120

Chor x th

Cher x 461

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 5, 1900.

In the matter of the application of William J. Jackson for the enrollment of Jesse C. and Minnie L. Jackson as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A William J. Jackson.
Q How old are you? A 37 years old.
Q What is your postoffice? A Catoosa, I.T.
Q What district do you live in? A Goweesgoowee.
Q Who is it you want to have enrolled; yourself, or have you a family? A Just two children.
Q Yourself and two children? A No sir, only two children.
Q Give me the names of these children? A Jesse C. Jackson.
Q How old is that child? A 15 years old.
Q Name of the next child? A Minnie L. Jackson.
Q How old is she? A 8.
Q Are these ~~four~~ children both living? A Yes sir.
Q Give me the name of their mother. A Mintie A Jackson.
Q Is she alive? A No sir.
Q Was she a Cherokee by blood? A Her folks all are.
Q Did she claim to be a Cherokee by blood? A Yes sir
Q Was she ever recognized as a citizen of the Cherokee Nation? A No sir.
Q She's not on any roll? A No sir.
Q ~~When did she die? A She died in 1893.~~
Q She never applied to the Dawes Commission, of course? A No sir.
Q These children are not on any roll? A They are on the roll of 1896. They were enrolled by their uncle. a guardian appointed by the authorities of Goweesgoowee district.
Q These are your children are they? A Yes sir.
Q Mintie Jackson was your wife? A Yes sir.
Q When did you marry her? A I married her in 1884.
Q Where did you marry her? A In Georgia.
Q When did she come to the Cherokee Nation? A In '89.
Q She was not admitted by the Cherokee Commission? A No sir.
Q How old was she when she died? A She was thirty years old.
Q Have you a certificate of your marriage to her? A No sir.
Q You have no official evidence of your marriage? A No sir.
Q Was she ever married except to you? A No sir.
Q Were you ever married except to her? A Yes sir, I have been married since she died.
Q Give me the name of her father. A James M. Gravitt.
Q Is he dead? A No sir.
Q Give me the name of her mother. A Malissa.
Q Is she dead? A Yes sir.
Q Was Malissa Gravitt a Cherokee woman? A No sir, white woman.
Q Was James M. Gravitt a Cherokee by blood? A Yes sir.
Q Was James M. Gravitt ever admitted to citizenship by the Cherokee Commission? A Yes sir, in 1887 or 1888.
Q He's alive? A Yes sir.
Q Where is he living now? A In Catoosa.
Q Has he been enrolled? A Yes sir.
Q When did your wife's father come to the Cherokee Nation; in 1889 the time your wife died? A No sir; we didn't come to this country together.
Q When did James M. Gravitt come here? A James M. Gravitt came to this country, as well as I remember, in December, 1889.
Q Has he lived here ever since? A He has not been here all the time I don't think.
Q Your wife's been here all the time? A Yes sir, ever since that time up till the time she died.
A certificate on file in the case of James M. Gravitt, No. 5865, shows that James M. Gravitt was admitted to citizenship in 1888 by the Commission on Citizenship. The fact of ~~his being an intermarried~~ being attested under date of August 8, 1888 by the

Assistant Clerk of the Commission on Citizenship and by J. B. Mayes, the Principal Chief, that document is returned to its proper file.

Q Now, at the time your wife's father is shown to have been admitted to citizenship, your wife was 26 years old? A I suppose.
Q Do you know whether her name was included at the time of her father's admission in the act of the Cherokee Commission on Citizenship? A No sir, I think not, I don't think they made the application —— He wrote me that each family had to make its own application.
Q And she was considered of age and she wasn't treated as one of the family at that time? A No, she wasn't treated as one of the family in that sense.
1896 roll; page 189, #2591, Jesse J. Jackson, Cooweescoowee.
1896 roll; page 189, #2592, Minnie L. Jackson, Cooweescoowee.

Commissioner Breckinridge-
The applicant applies for the enrollment of two children; his children by a deceased wife. He does not present a certificate of marriage, but states that he can furnish a copy of his license and certificate, but assuming his marriage, as established, as having taken place in 1884. It then appears that his wife came to the Cherokee Nation in 1889 after her marriage, and then she was 25 years of age. Her father was admitted to citizenship in 1888, but the applicant's wife is stated not to be included in any certificate, and she was never recognized in any form as a Cherokee, and at the time of her father's admission, she was some 24 or 25 years of age; therefore, she could not enjoy the rights of a minor at that period. These two children are identified on the roll of 1896; they are living, but as they can only possess rights through their mother, and it is shown that their mother was never in any form recognized as a Cherokee citizen, it follows, therefore, that these children are not entitled to enrollment at this time, and therefore, the application for their enrollment is rejected.

E.G. Rothenberger, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 5th day of December, 1900.

Commissioner.

R. 461.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William J. Jackson for the enrollment of Jesse C. and Minnie L. Jackson as citizens of the Cherokee Nation.

---oooOOOooo---

D E C I S I O N

---o---

It appears from the record in this case that William J. Jackson on the 5th day of December, 1900, appeared before the Commission to the Five Civilized Tribes and made application for his minor children, Jesse C. and Minnie L. Jackson, as citizens by blood of the Cherokee Nation.

The evidence shows that Jesse C. and Minnie L. Jackson are the children of Mintie Jackson and the applicant, William J. Jackson, a white man, to whom the said Mintie Jackson was married in 1894. It appears that the said Mintie Jackson came to the Cherokee Nation from Georgia in 1889. Her father, James M. Gravitt, was admitted to citizenship in the Cherokee Nation on the 24 day of August, 1889, but the name of his daughter Mintie, wife of this applicant, is not included in the certificate of admission. It appears that she was then 26 years old. It does not appear that the said Mintie Jackson was ever admitted to citizenship in the Cherokee Nation, and her name is not found upon any of the Cherokee tribal rolls in possession of this Commission.

Under the facts in this case, the children above named could acquire no rights of citizenship not possessed by either of their parents. They are identified, however, on the Cherokee census roll

of 1896 and this fact gives the Commission jurisdiction over this case.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the foregoing provisions of the law it is considered that the names of Jesse C. Jackson and Minnie L. Jackson are on the roll of 1896 without authority of law and in view of the law and evidence in this case, the application for the enrollment of the said Jesse C. Jackson and Minnie L. Jackson as citizens by blood of the Cherokee Nation will be denied and it is so ordered.

T. B. Buckingham

Commissioners.

Dated at Muskogee, Indian Territory,
this 20 day of May, 1902.

IN THE DEPARTMENT OF THE INTERIOR.

----oOo----

In re Application of)
William J. Jackson, for the)
Enrollment of his minor)
children, Jesse C. and Minnie L.)
Jackson, as Cherokee citizens.)

----oOo----

MOTION FOR REVIEW.

Now come the above minor applicants by their attorney and move that the decision of the Commission and the decision of the Secretary of the Interior in the above entitled cause be set aside and a new hearing granted and had for the reasons hereinafter set forth:

STATEMENT OF FACTS.

The facts as disclosed by the record are that these applicants are the minor children of Mintie A. Jackson, deceased, who was the daughter of James M. Gravitt, who was admitted to citizenship as a Cherokee by blood by the National Council on August 27, 1888, at which time Mintie A. Jackson was about 28 years of age. Her name does not appear in the certificate admitting her father.

James M. Gravitt being a Cherokee by blood and admitted as such by the Cherokee National Council, his daughter, Mintie A. Jackson, was also a Cherokee by blood and her children, these applicants, are also Cherokees by blood.

Mintie A. Jackson removed to the Cherokee Nation in 1889, remaining in the Nation until her death, which occurred in 1893. At the time of her removal to the Nation the applicant Jesse C. Jackson was four years old. Minnie L. Jackson must have been born in the Nation one year before her mother's death, and both of the applicants have continued to reside in the Cherokee Nation.

The names of both of the applicants appear upon the 1896 census roll of the Cherokee Nation.

The Commission on May 20, 1902, rejected the applicants, having found that their names were upon that roll without authority of law. The Indian Office recommended the affirmance of the Commission's decision on July 5, 1902, which was by the Chief Clerk of the Interior Department affirmed on July 29, 1902, the basis of the decision being the Samuel F. Barger and another case cited in the record.

POINTS AND AUTHORITIES.

These applicants being Cherokees by blood and having the proper residence qualifications, and being enrolled are citizens and are entitled to enrollment now.

The Shirley case;
~~Guss Caldwell case;~~
Martha Setser case;
James Lowe case; and
Lizzie Jackson case.

This case is almost an exact parallel of the Lizzie Jackson case last above cited. The applicants which the Department enrolled in that case were the minor children of one William Jackson, whose mother had been admitted to citizenship at a time when he was more than 21 years of age and his name did not appear in the certificate of admission. Through him and his mother, the minor applicants, his children, were Cherokees by blood and their names are enrolled on one of the tribal rolls. At the time of the application on behalf of his minor children he had been dead for some time.

The minor applicants in this case are the minor children of one Mintie A. Jackson, whose father had been admitted to citizenship when she was more than 21 years of age and her name did not appear in the certificate of admission. Through her and her father the minor applicants, her children, are Cherokees by blood and their names are enrolled on one of the tribal rolls. At the time of the application on behalf of her minor children she had been dead for some time.

The Department in the Lizzie Jackson case considered what would be the rights of William Jackson, the father of the children, if he were living, in order to ascertain the status of his minor children; and having found that if living he would be entitled to enrollment, the Department held that his minor children were also entitled to enrollment. The same proceeding in this case will show that under the rulings of the Department in all of the cases above cited Mintie A. Jackson would, if living, be entitled to enrollment as a citizen by blood of the Cherokee Nation under the constitution of that Nation and, of course, her minor children are also entitled to enrollment.

I believe that all of the authorities cited by the Indian Office and the Department in sustaining the decision of the Commission in this case have been over-ruled, and that the decisions in those cases have been set aside. I know that that is the condition in the Barger case. In the Barger case the decision was set aside, the case referred back to the Commission for additional testimony, which has been taken, and the decision of the Commission recommending the enrollment of the applicants is now before the Indian Office for consideration.

This case is so clear that further argument I deem not to be necessary and, therefore, respectfully submit that the applicants in this case being Cherokees by blood and having all of the residence qualifications necessary, that they are citizens under the Cherokee Constitution as construed by the Assistant Attorney-General and the Department in numerous cases; and that being citizens their enrollment in 1896 was lawful and proper and that they should not be enrolled.

Respectfully submitted,

Hughes & White

Attorney for Applicants.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William J. Jackson for the enrollment of Jessie C. and Winnie L. Jackson as citizens by blood of the Cherokee Nation.

Protest on behalf of the Cherokee Nation.

The Cherokee Nation respectfully protests against the enrollment of these minor children for the reason that we see no reason in law why they should be enrolled. Their father is a white man and their mother, Mintie Jackson, nee Gravitt, claimed to be a Cherokee by blood although she was born in the State of Georgia, was married there, and was never admitted to citizenship in the Cherokee Nation. It is claimed that her father, James M. Gravitt, was admitted in 1888, at which time Mintie Jackson, nee Gravitt, the alleged mother of the two minor applicants, was 23 years or 24 years of age. There is no contention that Mintie Jackson was admitted, nor is it contended that she was a minor at the time her alleged father was admitted, nor is it contended that she was a member of her alleged father's family at the time he was admitted. Section 21 of the Curtis Bill directed the Commission to "enroll all persons who have been lawfully admitted to citizenship by the tribal authorites and who were minors when their parents were so admitted." As above observed it is not contended that Mintie Jackson, the mother of these children, was ever admitted, but was born in the State of Georgia. It can easily be seen how an error could be made by census takers in the field with no records to go by, where they found two grandchildren with their grand-parents and their own parents deceased. No doubt in this way their names were taken by the enumerators in 1896, but the Cherokee National Council declined to authenticate this roll, although these names were furnished and perhaps recommended by the census takers. The Department can realize what was a difficult job before the Cherokee Legislature inasmuch as the Commission has now been five years in attempting to make a roll of the citizens of the Cherokee Nation, and it could not be expected that the Cherokee Legislature could purge the names furnished by census takers and attend to their other legislative duties within the limit of thirty days given them under the Constitution to perform their work. For this reason we contend that the names of these children are erroneously and without authority of law upon the census roll of 1896. Besides, the act appointing the census takers directed them, first, to take the names of those persons who were found upon the authenticated roll of 1880 and their descendants since born, and second, of all persons subsequently admitted to citizenship in the Cherokee Nation, and their children since born, and if the names of these two applicants were given to the census takers they received them without authority of law in the very teeth of the act that admitted them, and the Cherokee Nation is not bound

by it, because it never authenticated that act.

The Government has held in [illegible] and among others that of Mary W. Gardner, et al., [illegible], that applicants cannot skip the generations of citizenship [illegible] parent and go back to the grand parent. This we think is necessary. All the decisions are uniform upon the proposition that the citizenship of the child follows that of the parent. Both the father and mother of these applicants were citizens and residents of the State of Georgia, and when these children were born neither had ever been admitted to citizenship in the Cherokee Nation, and we contend that these children must either claim through their own right or that of their parents, and cannot under the rulings of the Department claim through their grand parents, and we further contend that, for the reasons hereinabove cited, they were enrolled without authority of law in 1896.

Respectfully submitted,

[illegible]

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherc. R-461.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William J. Jackson for the enrollment of Jesse C. and Minnie L. Jackson as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. R-13.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBECK.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R Vol.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 12, 1908.

W. W. Hastings, Esq.,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of May 20, 1908, rejecting the application for the enrollment of Jesse C. and Minnie L. Jackson, as citizens of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 29, 1908.

Very respectfully,

Tams Bixby

Acting Chairman.

Refer to reply
to the following:

Land

[illegible]-1924.

(C O P Y)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October [illegible], 1924

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward letter of William Henry White, of this city, dated 17th instant, submitting motion for review in connection with the application of William J. Jackson, for the enrollment of Jesse E. and Minnie L. Jackson, as Cherokee citizens. There is no affidavit attached to the motion, setting out that copy of the motion had been forwarded to W. W. Hastings, Attorney for the Cherokee Nation, and registry receipt for the letter forwarding such motion is submitted.

Very respectfully,

(Signed) A. G. Homer

Acting Commissioner

E.B . H.-L.S.-L.M.

(C O P Y)

D.C. [illegible]
L.R.B. [illegible]
[illegible]
LMM

I.T.
FEB

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

February 9, 1905.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On July 29, 1903, the Department affirmed your decision adverse to the applicants in the Cherokee enrollment case of Jesse G. and Minnie L. Jackson. On October 26, 1904, the Indian Office submitted a motion for review in this matter, duly served upon the attorney for the Cherokee Nation.

The applicants are the children of William J. Jackson, a white man, and Mintie Jackson, of Cherokee blood, who were married in Georgia in 1856, when Mintie Jackson was about 21 years of age.

The father of Mintie Jackson, James M. Gravitt, was readmitted to citizenship in the Cherokee Nation in 1846, and came from Georgia to the Nation in 1848. His name is on some roll of the nation. At the time of the admission of Gravitt, Mintie Jackson was 25 or 26 years of age, and she was not readmitted with her father.

Jesse G. Jackson was 15 years of age in 1900, when the testimony in this case was taken. He appears to have been born

[illegible] Thomas L. Johnson was 5 years of age in 1900, and apparently was born in the Cherokee Nation. Their names are here on the 1896 census roll of the nation.

You concluded that these applicants "could acquire no rights of citizenship not possessed by either of their parents." Referring to section 21 of the act of June 28, 1898 (30 Stat., 495), you rejected the application for their enrollment, holding that their names are on the 1896 roll without authority of law.

The notice for review calls attention to several decisions of the Department made since its decision affecting your action in this case. It is not shown or alleged that the names of these applicants were placed upon the 1896 roll by fraud. As a fact, it is stated that "they were enrolled by their uncle, the guardian appointed by the authorities of Tennessee over Minors."

There is no question of their Cherokee blood, and they are grandchildren of a duly admitted and enrolled citizen of the nation. They have been recognized by the tribal authorities by enrollment as citizens. See decision of the Department of June 10, 1903, in the case of Martha Hill and Louisa Brown. The decision of the Department of July 30, 1906, should be and is hereby reversed, and you are authorized to enroll the applicants, in the absence of any further objection.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. MARSHALL,
C. R. BREWER,
WM. O. RodgERS,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee 1-441.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Jesse C. and Minnie L. Jackson as citizens of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of February 9, 1906, reversing the Department's decision of July 21, 1902, rejecting said application, and ordering the Commission to enroll said applicants as citizens of the Cherokee Nation.

Respectfully,

Tams Bixby
Chairman.

(COPY)

W.C.R.
LLB

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

I.T.D.9818-1906.
L.R.S.

August 18, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 9, 1905 (I.T.D.4124-1902, 10966-1904), the Department reversed its decision of July 19, 1902, affirming the decision of the Commission to the Five Civilized Tribes, rejecting the applicants in the Cherokee Enrollment case of Jesse C. and Minnie L. Jackson, and authorized said Commission to enroll the applicants, in the absence of any further objection.

On July 29, 1906, the Indian Office transmitted a protest from the attorney for the Cherokee Nation against the enrollment of said applicants, claiming that said applicants are not entitled to enrollment; that their father and mother were residents of the State of Georgia, and when these children were born neither had ever been admitted to citizenship in the Cherokee Nation.

The Department does not consider said protest sufficient to justify disturbing its decision of February 9, 1905. The applicants are clearly entitled to be enrolled, in accordance with the opinion expressed in departmental decisions in the following cases: Martha Hill (I.T.D.3326-1903), James Shirley

[illegible] and Linnie Jackson [illegible],

You will be notify the attorney for the Estate.

Respectfully,

[illegible]

Acting Secretary

Cherokee R 441
(new 10659)

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 28, 1905

W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of Departmental letter of August 18,(I.T.D. 9612-1905), in which your protest against the enrollment as citizens by blood of the Cherokee Nation of Jesse C. and Minnie L. Jackson, is overruled.

Respectfully,

Commissioner

LMB
Incl. B-52

Jesse G. Jackson.

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 29 1901

Transferred to 10959

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 462

Cher R 462

MARRIED, as to Applicant.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

In the matter of the application of Edward Austin Badger for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Badger being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Edward Austin Badger.
Q How old are you? A 22.
Q What is your post office? A Westville.
Q In what district do you live? A Going Snake.
Q Do you want to enroll yourself and family? A My wife and baby.
Q Have you a wife? A Yes, sir.
Q How many children have you? A Only one.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Let me see your marriage license and certificate? A They are with the Clerk back here.
Q Why did you not bring them with you? A I went there this morning and he was not there.
Q When were you married? A The 27th of November.
Q In what year? A 1900.
Q Were you ever married except to your present wife? A No, sir.
Q Was she ever married except to you? A No sir.
Q Give me the name of your wife? A Lillie Badger.
Q How old is your wife? A She is 20.
Q Is this your wife sitting here? A Yes, sir.
Q Give me the name of her father? A Henry Robbins.
Q Is he dead? A Yes, sir.
Q Give me the name of her mother? A Caroline.
Q Is she dead? A Yes, sir.
Q Was her father a Cherokee by blood? A Cherokee by blood.
Q Was her mother a Cherokee by blood or white sux woman? A Cherokee by blood.
Q Was your wife born in the Cherokee Nation? A Yes, sir.
Q Has she lived here all her life? A Yes, sir.
Q Give me the name of the child? A Miss Emelina Badger.
Q How old is the child? A She will be seven weeks next Sunday.
1880 Roll; page 466, #1392, Henry Robins, Going Snake.
1880 Roll; page 466, #1393, Carolina Robins, Going Snake.
1896 Roll; page 1251, #2810, Lillie Robbins, Tahlequah.

LILLIE BADGER, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Lillie Badger.
Q You are the wife of Edward A. Badger? A Yes, sir.
Q Your father's name was Henry Robbins? A Yes, sir.
Q And your mother Caroline? A Yes, sir.
Q You were married to your husband, when? A 27th of November.
Q You have never been married before? A No, sir.
Q This is your child is it? A Yes, sir.
Q You claim it was your own child? A Yes, sir.

Com'r Breckinridge:-The applicant applies for the enrollment of himself, his wife and one child: His wife is identified on the roll of 1896 as a native Cherokee. She is too young to be on the roll of 1880 but her father and mother are identified on that roll. She has lived in the Cherokee Nation all her life. Her change of name arises from her marriage, which is established by her own and her husband's testimony. She will now be listed for enrollment as a

Edward A. Rodgers--R.

Cherokee by blood. She and her husband state that they were married in November of the present year. He does not at this time produce his license and certificate, which he is desired to file with the Commission. His marriage is too late under the Cherokee law of December 16, 1895, to entitle him to enrollment, and therefore the application for his enrollment is REJECTED.

His wife claims the child, Evaline, as her own and states that the child is seven weeks old. Of course the child possesses the rights of its mother and when a proper certificate of the birth of this child is filed with the Commission, it will be listed for enrollment as a Cherokee by blood.

---ooeOOOeoo---

J.O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J.O. Rossen

Subscribed and sworn to before me this 4th day of December, 1903.

C. Shearin

Commissioner.

B R 46

R462

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 6 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath. G. Duke

CHEROKEES BY BLOOD AND ADOPTION.

023

Date DEC. 6 1900 1900.

1 Name Edward A. Badger, Oustville, S.C.

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen yes

Married under what law U. S. Date of marriage 27 Jan 1900.

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Rejected

Names of Children:

Married after Dec. 16, 1895.

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Evidence of marriage to be furnished

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District. } ss. D - 595.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 10 day of Nov. 1908, at M., and duly recorded in Book J, Marriage Record, Page 571

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 15 day of Dec, A. D. 1908.

(Signed) Chas. A. Davidson Clerk.

By Deputy.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T., July 29, 1911

I, the undersigned Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Edward A. Rodgers as citizen of the Cherokee Nation.

Louise Smith

FILED
NOV 10 1908
CHAS. A. DAVIDSON,
Clerk, U.S. Court.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 8 1909
Tom Riley, Acting Chairman.

MARRIAGE LICENSE.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

No. 2097

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mary [illegible], of Wentville, in the Indian Territory, aged 23 years, and Miss Lilie Robins, of Bushilla, in the Indian Territory, aged 19 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 24th day of November A. D. 1900.

SEAL

(Signed) Chas. A. Davidson
Clerk of the U. S. Court.

By (Signed) Herbert O. Smith Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
Northern District. } ss.

I, Johnson Spade, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 27th day of Nov., A. D. 1900, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 30th day of Nov. A. D. 1900.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book B, Page 200.

(Signed) Johnson Spade
A Minister of the Gospel.

1312

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902

ACTING CHAIRMAN

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Edward A. Badger, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 482, it is entitled Edward A. Badger, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.482.

a15

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 462.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 14, 1902.

Mr. Edward A. Badger,

Westville, Indian Territory.

Sir:

On the 6th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married by authority of a marriage license issued by the Clerk of the United States Court on the 27th day of November, 1900, to Lillie Robins, who appears to be a citizen by blood of the Cherokee Nation. It does not appear that you were ever married to your said wife by authority of a Cherokee marriage license issued by the Cherokee tribal authorities. Neither does it appear that you are identified on the rolls of the Cherokee Nation.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll

to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on pages 329 to 331 of "Laws of the Cherokee Nation, (1892) and are as follows:

"Section 652. . . . Every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, "Delaware, or Shawnee" woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several district, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. . ."

"Sec. 663. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this Nation, except as hereinbefore authorized and provided, shall be legal; . . ."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that you have never acquired the rights of an intermarried white person entitled to citi-

zenship under Cherokee laws.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citi zen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.
Register.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FEB 14 1902

Edward [illegible]

Attorney for Cherokee Nation

R462

Gentlemen:

Referring to your [illegible] letter of even date rejecting the application of [illegible] Henderson, [illegible], for enrollment as an Indian wedded citizen of the Choctaw Nation, you are advised that the application of Edward [illegible] Henderson [illegible] in accordance with your letter of January 14, [illegible] letter of [illegible] Commissioner of [illegible] 21, 1902 is hereby rejected in view of the Choctaw Laws Restrictions in the Chickasaw case.

Very truly,

Acting Secretary.

E.M.D.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 16 1902
ACTING CHAIRMAN

L.R.S. 19541. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 2, 1902.

I. T. D. 1895-1902.
D. C. 5788-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Benjamin J. Betterton, R 8, for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Edward A. Badger, R 462, transmitted with your letter of February 14, 1902, and the letter of the Acting Commissioner of March 21, 1902, is hereby rejected in view of the Cherokee laws mentioned in the Betterton case.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.M.D.

L. R. S. J. R.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1838-1902.
1828-1902.
D. C. 5760-1902.

April 2, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Benjamin J. Detterton for enrollment as a Cherokee citizen by intermarriage, R 9, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application.

It appears that the claimant was married to a Cherokee woman in 1896 in Arkansas, not according to Cherokee law. In your decision you refer to section 21 of the act of June 28, 1898, (30 Stats., 495), which provides that your commission shall enroll " such intermarried white persons as may be entitled to citizenship under Cherokee laws", and to the " Laws of the Cherokee Nation," compilation of 1892, viz:

"Section 850. * * every white man, or citizen of the United States, or of any foreign state or government, desiring to marry a Cherokee, 'Delaware or Shawnee' woman, citizen of the Nation, shall be and is hereby required to obtain a license for the same from any of the district clerks of the several districts, and make oath or satisfactory showing to such clerk, that he has not a surviving wife from whom he has not been lawfully divorced. * * *".

I enclosure.

"Sec. 303. Every white man or person applying for license, as provided in the preceding section of this act, shall before obtaining the same, be required to present to the said clerk a certificate of good moral character, signed by at least ten (10) respectable citizens of the Cherokee Nation who are Cherokees, Delawares or Shawnees by blood, and who shall have been acquainted with him at least six months immediately preceding the signing of such certificate, together with 'A certificate of good moral character, signed by the county clerk and sealed with the seal of the county of which he was last a voter.'"

"Sec. 304. No marriage between a citizen of the United States or of any foreign nation and a female citizen of this Nation, entered into within the limits of this nation, except as hereinbefore authorized and provided, shall be legal."

The Acting Commissioner of Indian Affairs March 23, 1903, recommends that your decision be concurred in.

It is clear from the laws referred to that you have no authority to cancel the enrollment, and your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.H.R.

1 Inclosure.

[illegible]

[illegible], Indian Territory, April 24, 1902.

Mr. Edward A. Hodges,

[illegible], Indian Territory.

Sir:

You are hereby notified that the Commissioner's decision of March 24, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

[illegible]

Acting Commissioner.

[illegible]

COMMISSIONERS
HENRY L. DOAG,
TAMS BIXBY
THOMAS B. ROBERTS,
C. R. DONAHEGHEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee 2-[illegible].

Muskogee, Indian Territory, April 18, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Elmore A. Ridgon, Cherokee No. 2-[illegible], for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

[illegible]

[illegible], Oklahoma, July [illegible], 1912.

Mr. [illegible],

[illegible], Oklahoma.

Dear [illegible]:

As requested in your letter of July [illegible], there is inclosed herewith your marriage license and certificate, a copy of same having been retained in the files of this office.

Respectfully,

[illegible]

Inclosed

Commissioner.

Cher R 463

Cher R 463

REJECTED, as to Applicant's Wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

In the matter of the application of John Tickneskey for the enrollment of himself and wife as citizens of the Cherokee Nation; said Tickneskey being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A John Tickneskey.
Q How old are you? A 22.
Q What is your post office? A Barren Fork.
Q In what district do you live? A I live in Going Snake.
Q Who is it you want to enroll, yourself and family? A Yes, sir.
Q You have a wife have you? A Yes, sir.
Q How many children have you? A None.
Q Just yourself and wife? A Yes, sir.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Charles Tickneskey.
Q Is he dead? A No, sir.
Q Give me the name of your mother? A Sally Tickneskey.
Q Is she dead? A No, sir.
Q Give me the name of your wife? A Sarah Tickneskey.
Q How old is she? A 20.
Q Has she been married except to you? A No, sir.
Q Were you ever married except to her? A No sir.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A John Catcher.
Q Is he alive? A Yes, sir.
Q Give me the name of her mother? A Margaret.
Q Is she alive? A No, sir.
Q When were you and your wife married? A The 24th of last August, a year ago.

SARAH TICKNESKEY, being sworn and examined by Commissioner Breckinridges, testified as follows:

Q Give your full name there? A Sarah Tickneskey.
Q Are you the wife here of John Tickneskey? A Yes, sir.
Q You have heard the testimony that is correct is it, about you? A Yes, sir.
Q He has given name of your father and mother correctly? A Yes, sir.
Q When were you married to him? A The 24th of last August, a year ago.

JOHN TICKNESKEY, the Applicant, further testified.
Q Were your people ever called by any other name except Tickneskey? A They were called Catcher, but the right name is Tickneskey.
1880 Roll; page 359, #377, Johnson, Catcher, Flint.
1880 Roll; page 359, #373, Chas. Catcher, Flint.
Q Did your mother have any other name besides Sally? A Yes, sir, Ann.
1880 Roll; page 359, #374, Ann Catcher, Flint.
Q To Applicant's wife: What was your mother called besides Margaret? A Peggy.
Q Was your mother a Cherokee? A Yes, sir.
1880 Roll; page 479, #1706, Peggy Teekahneyeskee, Going Snake.
1880 Roll; page 479, #1705, John Teekahneyeskee, Going Snake.
1896 Roll; page 552, #347, Johnson Catcher, Flint.

SARAH TICKNESKEY, further testified:
Q Did they call you by any other name except Sarah? A Sarah Jane.

John Tickemoskey--2.

Q Where is your father? A He lives in Going Snake.
Q About how far from here? A About 22 miles.
Q Does he live with you? A About six miles of me.

Com'r Breckinridge:--The applicant applies for the enrollment of himself and wife. He is identified on the rolls of 1880 and 1896 as a native Cherokee. The variations in his name are explained in the testimony. He has lived in the Cherokee nation all his life, and he will be listed for enrollment as a Cherokee by blood.

He states that his wife is also a Cherokee by blood, and she appears in the course of the application. Her alleged father and mother are identified on the roll of 1880. She is not identified on that roll herself, but is perhaps too young to be upon it. She is not definitely identified upon any other roll. Giving her the benefit of all doubts, her application will be received, but it will be placed upon a Rejected card, she being classed as a Cherokee by blood. She is desired to supply the Commission with some information which may lead to her identification upon some of the rolls of the Cherokee nation.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 7th day of December, 1906.

Commissioner.

CR 463

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVIL

FILED
JAN 30 1902

Countersigned.

Petitioner in the above entitled cause.

To the Honorable the Commissioner to the Five Civilized Tribes:

Comes now the petitioner and presents the following petition and complaint against the Choctaw Nation, and the Choctaw Oil and Refining Company, and the Choctaw Oil and Gas Company, and the Choctaw Oil and Gas Company, and the Choctaw Oil and Gas

R. 463.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., January 28, 1908.

In the matter of the application of John Vickneskey for the enrollment of himself and wife as citizens of the Cherokee Nation.

The applicant's wife, Sarah Vickneskey, is found on the Cherokee Strip Payment Roll of 1894 in Goingsnake District, No. 458, as Sarah J. Catcher, in the family of John and Margaret Catcher; on the Cherokee pay-roll of 1890 on page 604 in Goingsnake District in the family of John and Margaret Catcher as Sarah Jane Catcher, and on the Cherokee pay roll of 1886 in Goingsnake District, No. 419, as Sarah W. Catcher, in the family of John and Margaret Catcher. The applicant's wife is not identified on the authenticated roll of 1880 or the census roll of 1896.

It is directed that copies of this statement be filed with the testimony in the above case.

Commissioner.

RECEIVED
JAN 31 1908
DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

R 448

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Sarah Tiskneskey as a citizen by blood of the Cherokee Nation.

On the 6th day of September, 1900 John Tiskneskey appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of his wife, Sarah Tiskneskey as a citizen by blood of the Cherokee Nation. The said Sarah Tiskneskey also appeared before the Commission at the same time and testified in her own behalf.

This application included also the husband, John Tiskneskey, but as he was differently classified by the examiner in the field he is not embraced in this decision now considered at this time.

D E C I S I O N.

It appears from the evidence in this case that Sarah Tiskneskey is the daughter of John Catcher and Margaret Catcher, who are both identified on the Cherokee authenticated roll of 1880; that the applicant is duly identified on the Cherokee pay rolls of 1886, 1890 and 1894, but not on the Cherokee Census roll of 1896, and that she has resided in the Cherokee Nation all her life.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation; those persons, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were citizens when their parents were so admitted, and

shall investigate the rights of all other persons whose names are found on any other rolls and set all such as may have been placed thereon by fraud or without authority of law, and bring every such as may have lawful right thereto, and their successors born since such rolls were made, each such interest and those persons as may be entitled to intermarry under Cherokee laws."

In view of the law and evidence in this case it is the opinion of this Commission that the said Sarah Hickerson was erroneously listed for rejection by the enumerator in the field, and that she should be enrolled as a citizen by blood of the Cherokee Nation. It is therefore so ordered.

Commissioners.

Dated at Muskogee, Indian Territory

APR 23 1902

COMMISSIONERS
KENOY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROUNINGER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-468

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 23, 1908.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

Enclosed herewith please find a copy of the decision of the Commission rendered April 22, 1908, in the matter of the application of Sarah Tickneedy, No. B-468, for enrollment as a citizen of the Cherokee Nation.

You are advised that you will be allowed fifteen days from the date hereof in which to file with the Commission such protest as you desire to make against the enrollment of the said Sarah Tickneedy as a citizen of the Cherokee Nation. If you fail to file a protest within the time allowed, this applicant will be regularly listed for enrollment by the Commission.

Yours truly,

Acting Chairman.

Encl. B-468.

CHEROKEE

CHEROKEE

Aug. 14, 1902. In accordance with the decision of the Commission granting the application of Sarah Tickneskey, the papers herein have been transferred to Cherokee Jacket #9441.

COPY OF TESTIMONY FILED
WITH THE CHEROKEE NATION.

Cher R 464

Cher R 464

REJECTED, as to applicant, Henry B. Miller.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 6, 1900.

In the matter of the application of Henry B. Miller for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Henry B. Miller.
Q How old are you. A 24.
Q In what district do you live? A Tahlequah District.
Q What is your post-office. A Tahlequah.
Q Who is it you want to have enrolled, just yourself? A Myself and wife and 2 children.
Q Are you a Cherokee by blood? A No sir
Q White man? A Yes sir.
Q Is your wife a Cherokee by blood. A Yes sir.
Q Let me see your marriage license and certificate.
(Produces papers)
Comr: The applicant presents license issued by the Clerk of Tahlequah District November 27 1897, authorizing his marriage to Miss Thula Padden, the certificate shows they were united in marriage in accordance with said license on the day following, by the Rev. Nicholas Pitting; this is filed herewith.
Q Have you and your wife lived together ever since you were married? A Yes, sir.
Q Were you ever married except to her? A No sir
Q Was she ever married except to you? A No sir.
Q Your wife's full name at this time then is Darthula Miller?
A Yes sir.
Q How old is she. A 18.
Q Has she lived in the Cherokee nation all her life? A Yes sir
Q Give me the name of her father. A Jeff Paden.
Q Is he alive. A Yes sir
Q Give me the name of her mother. A Mattie.
Q Is she alive? A Yes sir.
Q Give me the names of your children. A Mary J.
Q How old is that child? A 2 years.
Q The next child? A William J.
Q How old is he? A About 2 months
Q Jeff Paden a white man. A No sir.
Q His wife Mattie A Yes sir.
1880 roll page 334 #987 T.J. Paden Flint Dist. admitted Cherokee
1880 roll page 347 #5 as Martha Adair Flint native Cherokee
1896 roll page 1219 #2392 Thomas J. Paden Tahlequah
1896 roll page 1219 #2393 Martha J. Paden Tahlequah
1896 roll page 1219 #2394 Dathular Paden Tahlequah

THOMAS J. PADEN, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give me your full name. A Thomas J. Paden.
Q How old are you. A 46
Q What is your post-office. A Park Hill.
Q How long have you lived in the Cherokee nation? A All my life.
Q What is the name of your wife? A Martha J.
Q What was her name when you married her. A Martha J. Adair.
Q That was her maiden name was it. A Yes sir.
Q When were you married to her? A In 1876.
Q She appears on the roll of 1880 under her maiden name; how did she happen to be enrolled under her maiden name when she was married to you? A I was away from home at work and she was with her

mother.
Q Who attended to your enrollment? A My brother.
Q Who attended to her enrollment? A Her mother.
Q She just gave her in under her middle name? A Yes sir.
Q You have a daughter named Darthulae? A Yes sir.
Q She is married. A Yes sir.
Q She is married to this applicant here, Henry B. Miller?
A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, his wife and two children; his wife is identified on the roll of 1896; she is too young to be on the roll of 1880, but her father and mother are identified on that roll, and the variations in name are fully explained in the testimony; the applicant's wife, Darthula Miller, will now be listed for enrollment as a Cherokee citizen by blood; when certificates of birth of the two children, Mary J. and William J, are filed with the commission, these children also will be listed for enrollment as Cherokees by blood.

The applicant is shown to have married his wife under a Cherokee license in 1897; he states that neither was previously married, and that he and his wife have lived together ever since their marriage; their marriage, however, is too late, under the Cherokee law of December 16, 1895, to entitle him to enrollment at this time, he being a white man; therefore the application for his enrollment is rejected.

M.D.Green being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this December 6, 1900.

Commissioner.

BR 464 R464

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 6 1900

ACTING CHAIRMAN

Statement of Applicant Tahlequah Indian Agency, TAHLEQUAH,

CHEROKEES BY BLOOD AND ADOPTION

24

Date December 6 1909.

Name Henry B. Miller TAHLEQUAH, I. T.

District ..... Year ..... Page ..... No. .....

Citizen by blood Yes Mother's citizenship C. N.

Intermarried citizen No

Married under what law ..... Date of marriage Nov 28 1897

License Of record DEC - 6 1909 Certificate Of record DEC - 6 1909

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Rejected

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Married too late

X refer R 464

MARRIAGE LICENSE.

Cherokee Nation, Tahlequah District.

To any person legally authorized, greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Henry Miller, a citizen of the United States, and Miss Thula Badden, a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such Marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and seal of office, this the 27th day of November, 1897.

Ben Johnson,
Clerk Tahlequah District.

SEAL. by Martin R. Brown, Deputy, T. D. C. N. I. T.

I, Nicholas Bitting, a minister of the Gospel, Do Hereby certify that on the 28th day of November, A. D. 1897, I did duly and according to law as commanded in the foregoing License solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

Witness my hand this 30th day of November A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court Indian Territory Northern District Book A. Page 149.

Nicholas Bitting
a minister of the Gospel

Recorded on Page 68 "Marriage Record"

Ben Johnson Clk
by Martin R Brown Deputy
L D C N I. T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Henry B. Miller as a Cherokee citizen. R 464.

Peter Choate

LD

R464

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1902

Acting Secretary

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Henry B. Miller, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and sixty-four, it is entitled Henry B. Miller, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE NO. 6. 464.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Henry B. Miller,

Tahlequah, Indian Territory.

Sir:

On the 6th day of December, 190 , you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 28th day of November, 1897, to one Thula Fudden, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

A[redacted].

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 5, 1902.

I. T. D. 2114-1902.
D. C. 6289-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Henry B. Miller, R 464, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 2921-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 658 to sec. 669, inclusive, pages 232, to 234, of the Compiled Laws of the Cherokee Nation is hereby amended so to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 639, 640 and 643 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 639, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
Rel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
1902

ACTING CHAIRMAN

Cherokee-R-264.

Muskogee, Indian Territory, April 17, 1902.

Mr. Henry B. Miller,

Tahlequah, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEWLAND.
C. R. ROBERTSON.

MARCUS L. AYERSMITH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

PLEASE REFER IN REPLY TO THE FOLLOWING
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. [redacted],
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Henry E. Miller, Cherokee No. R 484, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee Nation,

Tahlequah, Indian Territory, August 30, 1898.

Henry B. Hilton,

Tahlequah, Indian Territory.

Dear Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application marriage license and certificate showing your marriage on November 27, 1897, to Miss Tonie Fodkin.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosures.
D-34.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REC'D FEB 22 1902 MUSKOGEE, IND. TER.

126

2481

~~Henry B. Miller~~,

~~Tahlequah~~,

~~Indian Territory~~.

Cher R 465

Cher R 465

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
TAHLEQUAH, I.T., DECEMBER 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Stephen Hazlett for enrollment as a citizen of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:

Q Give me your full name? A Stephen Hazlett.
Q Have you any middle name? A No sir.
Q How old are you? A Forty two.
Q What is your Postoffice? A Pryor Creek.
Q In what district do you live? A Cooweescoowee.
Q Who is it you want to have enroll? A Myself.
Q Just yourself? A Yes sir.
Q Are you a Cherokee by blood? A No sir, adopted.
Q Where is your marriage license and certificate? A It is on file here; filed in 1897.
Q Did you ever apply to the Dawes Commission for enrollment?
A No sir.
Q Are you on any of the rolls of the Cherokee Nation?
A '92 I believe is all: '91 or '2.
Q How many times have you been married? A Never been married only the once.
Q When were you married that time? A Married in '91.
Q To whom were you married? A Mary Fleming.
Q Is she dead? A No sir.
Q Is she a Cherokee by blood? A She claims to be.
Q How old is she? A Twenty two.
Q Is she on any roll of the Cherokee Nation? A I do not know how many rolls she is on.
Q She is on some, is she? A Yes sir, I think so.
Q Has she lived in the Cherokee Nation all her life?
A I can not tell you that.
Q Where did you marry her? A Ft. Gibson, Illinois District.
Q How long had she lived in the Cherokee Nation then? A I can not tell you that: They told me she was raised here.
Q Her maiden name was Fleming? A Yes sir.
Q Give me the name of her father? A Martin Fleming.
Q Is he dead? A No sir.
Q Give me the name of her mother?
Q Well sir I'll be dogged if I can do that to save my life.
Q Is her mother dead? A Yes sir, her mother died when she was small.
Q When did you and your wife separate? A Separated in 1891.
Q The same year you married? A Yes sir, in December.
Q How long did you live together? A About eight or nine months.
Q Have you ever gotten a divorce from her? A No sir: She got a divorce from me.
Q Granted to her? A Yes sir.
Q On what grounds? A I do not know what grounds she did get it on: I never paid any attention to it.

Com'r. C. R. Breckinridge: An examination of the papers filed with the Commission in 1897, shows a license issued by the Clerk of Illinois District, May 16th, 1891, authorizing marriage between himself and his wife as stated by him. The certificate shows that they were united in marriage on the same day by the Clerk of the Court, presumably the District Clerk. The document is of record. This is filed with the present case, and a memorandum is made with the former document, stating that this paper has been drawn.

There is also a document under date of September 18th, 1895, signed by C. J. Harris, Principal Chief, under the seal of the Cherokee Nation, to the effect that the applicant was on that day pardoned out of the national jail, and complete citizenship restored. This also is filed with the present case.

Q You have never married since you and your wife separated?
A No sir.
Q Did you leave your wife, or did she leave you? A She left me.
Q Did she have any reason for doing so? A She had no reason at all as I can understand: She went off with another man.
Q What got you in jail? A Handling walnut timber.
Q Have you ever been in jail more than once? A No sir.
Q Have you never been arrested but that one time?
A That is all; for that one crime.
Q Where is your wife's father living? A South West City.
Q When did her mother die? A I can not tell you that.
Q She was dead when you married your wife? A Yes sir.
Q What is your wife's name now? A Her name is Williams now.
Q What is the name of her husband? A Charles Williams.
Q Did you apply for enrollment in 1896? A Yes sir.
Q And did they refuse you? A Yes sir.
Q Upon what ground did they refuse you? A I can not say: They did not tell me.
Q But they would not let you enroll? A No sir. They have never rejected me voting or holding land or anything of that kind.
Q What district was your wife living in in 1894? A She must have been in Delaware somewhere. We was parted: She was living above here somewhere.

(1894 Roll, Page 393, #1105, Mary Fleming, Delaware District)

Com'r. C. R. Breckinridge: The applicant is shown to possess a Cherokee license and certificate, filed herewith, establishing his marriage to his wife, Mary Fleming, for whom no application is made, and from whom he is divorced, in 1891: He states that he lived with his wife some eight or nine months before they separated: He is a white man: He further states that she obtained the divorce from him: He does not know how long his wife lived in the Cherokee Nation, nor does he know the name of her mother: She is not identified on the roll of 1880, nor upon that of 1896: Her father is not identified upon the roll of 1880: The applicant is not identified on the roll of 1896: He states that he applied for enrollment and was rejected. He files also a certificate of pardon from the Principal Chief of the Cherokee Nation, in 1895, restoring him to the rights of citizenship: This pardon of course would only restore him to such rights as he possessed before, and these rights do not appear to be established by the record as now developed: They were not such as to secure him enrollment in 1896: His wife is identified some what indefinately on the roll of 1894: It is not known at this time whether that Mary Fleming is his wife, or the Mary Fleming who was fifty eight years of age in 1880, about whom nothing further is known at this time. The applicant's former wife is living at this time and supposed to be twenty four years of age. No ground can be seen upon which he is entitled to enrollment, as in great probability he would have lost his right by divorce, if he had possessed it by his marriage, and the record and testimony shows that he never acquired a right by the marriage, as his former wife's right is not established for herself.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Cravens

Subscribed and sworn to before me this 7th day of December, 1900.

Commissioner.

R466T

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 6 1900

ACTING CHAIRMAN.

CHEROKEES BY BLOOD AND ADOPTION.

Enrollment of Applicant Tribes United Cherokees.

CHEROKEES BY BLOOD AND ADOPTION.

42

Date Dec 6th 1900.

Name Stephen Hazlett Cryer Creek, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen No

Married under what law ..... Date of marriage 1891

License Filed DEC 6 1900 Certificate Filed DEC 6 1900

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License .....

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Stephen Hazlett,
Choctaw
N.T.

FILED
OCT 16 1897

R465 D

FILED
DEC 6 1900

ACTING CHAIRMAN.

EXECUTIVE DEPARTMENT,

CHEROKEE NATION.

Tahlequah, Ind. Ter., Sept 18 1896

To whom Concerned:

This is to state that Steve Hoglett has this day, by and with the advice and consent of the Executive Council, been pardoned out of the National Jail and complete citizenship restored.

C J Harris
Prin. Chief.

R465 C.

CHEROKEE NATION, I. T., }
DISTRICT. }

I, T. Jay Thornton a clerk of Illinois hereby certify that on the 16 day of May, 1891 I joined in Marriage, Mr. Stephen Hewitt a citizen of the United States, and Miss Mary Scraggs a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this the 16 day of May A. D. 1891

T. Jay Thornton

This certifies that the within Marriage was recorded. Dec 9. 5. 1891. page 2

T. Jay Thornton
Clerk

DEPARTMENT OF THE INTERIOR
FILED
DEC 6 1900

R465

Marriage License.

1

CHEROKEE NATION, I. T.,
Illinois DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage—Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Stephen Hazlett, *a citizen of the United States and* Miss Mary Flemings, *a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.*

Given under my hand and Seal of Office this the 16 *day of* May *A. D.,* 1891

J. Jay Thornton

Clerk Illinois *District.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., October 15, 1902.

In the matter of the application of Stephen Hazlett for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation.

SUPPLEMENTAL PROCEEDINGS.

STEPHEN HAZLETT, being sworn, testified as follows:

By the Commission,

Q What is your name? A Stephen Hazlett.
Q What's your age, Mr. Hazlett? A About forty-four.
Q What's your postoffice? A Pryor Creek.
Q Are you an applicant for enrollment as an intermarried citizen?
A Yes, sir.
Q What is your Cherokee wife's name? A Mary Fleming.
Q Is she living? A Yes, sir.
Q When were you and she married? A Married in '91, May '91.
Q Were you married under Cherokee license? A Yes, sir.
Q Have you filed the Cherokee license with the Commission?
A Yes, sir.
Q Now, were you ever married before you married your wife, Mary?
A No, sir.
Q She's your first wife? A Yes, sir.
Q Had she ever been married before she married you? A No, sir.
Q You're her first husband? A Yes, sir.
Q Have you resided in the Cherokee Nation all the time since your marriage in 1891 up to the present time? A Except about three months.
Q All the time except about three months? A Yes, sir.
Q Where were you during those three months? A I was up in Missouri.
Q What were you doing up there? A I was up there with a well drill.
Q Did you take your family up there with you? A No, sir.
Q Up there alone? A Yes, sir.
Q Was that all the time you have been out, just about three months?
A Just about three months.
Q Never been out only that one time to stay any time? A No, sir.
Q What year were you out? A It is hard to tell you that.
Q About how long ago has it been? A Five or six years.
Q Did you take all your effects with you when you went to Missouri?
A No, sir, I never took nothing.
Q Just for a job of work? A Yes, sir.
Q When you got through in Missouri, did you come back to the Cherokee Nation? A Yes, sir.
Q Where did your wife, Mary Hazlett, live when you and she were married? A Why, she lived over in Illincis District across the river from Cooweescoowee District.
Q Lived all the time in the Cherokee Nation since you and she were married? A Yes, sir.
Q You and she are not living together now, are you? A No, sir.
Q How long did you live together after your marriage? A About a year; eleven months.
Q You separated sometime in 1892? A Somewhere along there I think it was.

Q Where were you living when you separated? A I was at Eufaula at that time.
Q Did she go down to Eufaula with you? A Yes, sir.
Q That's in the Creek Nation, is it? A Yes, sir.
Q How long were you at Eufaula? A That trip about two weeks.
Q Did you and she have a falling out while you were there?
A She turned around and left.
Q Did she get up and leave? A Yes, sir.
Q Where did she go from there? A She come back to the Cherokee Nation.
Q Did you and she have a home in the Cherokee Nation? A Yes, sir
Q Did she go back to that home? A She went to her father's.
Q Well, when you left Eufaula where did you go? A Back to the Cherokee Nation.
Q To your home in the Cherokee Nation? A Yes, sir.
Q Well, after you went back home did you go to see her?
A Yes, sir.
Q Did you make any effort to make her come back and live with you?
A Yes, sir.
Q Did she come back and live with you? A No, sir.
Q Did she tell you she would not live with you any more as her husband? A Yes, sir.
Q Is that the only time you ever went to see her? A That's the only time.
Q Did you ever send any one? A Yes, sir.
Q Who did you send? A A man by the name of Dudley.
Q Where did he live? A In the Cherokee Nation.
Q Are you sure she got up and left you and you did not leave her, are you? A Yes, sir.
Q What's your wife's father's name? A Martin Fleming.
Q Is he a citizen or a white man? A A white man.
Q What's her mother's name? A I could not tell you that.
Q Is her mother living or dead? A She's dead.
Q How long has her mother been dead? A I could not tell you that.
Q What was your wife's name when you married her? A Mary Fleming
Q Is she on any roll of the Cherokee Nation? A On the roll of '91 or '2, that's all I know about. She drawed Strip money.
Q She drew Strip money? A Yes, sir.
Q She came to the Cherokee Nation after 1880? A I can't tell you that.
Q She came from North Carolina? A I can't tell you that.
Q Her father came from North Carolina, her father and mother?
A I can't tell you that.
Q Well, since you and your wife separated in '92 have you procured a divorce from her? A No, sir.
Q Did she get a divorce from you? A Yes, sir.
Q When did she get a divorce from you? A '96 or '7.
Q Where did she get it? A In the Saline Court, Cherokee Court.
Q What grounds did she get the divorce on? A That I was in the Tahlequah jail.
Q Were you in the jail then? A No.
Q Had you been in jail? A Yes, sir.
Q What for? A For cutting walnut timber.
Q And on that ground she got a divorce from you? A Yes, sir.
Q Was that what you were doing at Eufaula? A No, I went down to look for walnut timber.
Q And your wife did not like your business. Was not that the reason, that you were violating the law? A No, sir.

Q Did not she [illegible] you [illegible] for [illegible] you?
A No, she quit [illegible] when I was gone away from home.
Q I thought you told me she quit while you were in Dunsmuir? A Well, during my absence, during the day.
Q Well, she did not leave in the night? A No, sir.
Q Did not leave you any note telling you she was going? A No, sir.
Q What is the man's name you sent to her? A W. W. Dudley.
Q What's his postoffice address? A Spokane, where he did live.
Q Well, since you and your wife separated, haven't you married again? A No, sir.
Q You were still a single man and widower on the first day of September, 1902, were you? A Yes, sir.
Q Never married any other woman? A No, sir.

It will be necessary, Mr. Hazlett, for you to have the testimony of Mr. Dudley as to your separation, to show that you made an effort to get that wife to come back to you.

Witness which, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she recorded the testimony and proceedings in the matter of the foregoing application, and that the above is a true and complete transcript of her stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 7th day of November, 1906.

[illegible]
Notary Public.

Cherokee Roll.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Stephen Hazlett
for enrollment as a citizen by intermarriage of the Cherokee Nation.

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DECISION.

--:0:--

The record in this case shows that on December 6, 1900, Stephen Hazlett appeared before the Commission at Tahlequah, Indian Territory, and made application for his enrollment as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on October 15, 1902.

The evidence shows that Stephen Hazlett was lawfully married, under a Cherokee marriage license and in accordance with the laws of the Cherokee Nation, on May 16, 1891, to Mary Flemings, a citizen by blood of the Cherokee Nation. It appears that he and his said wife lived together for a period of about eleven months, then she abandoned and left him. It further appears that, subsequent to the abandonment by his said wife, he attempted a reconciliation and a reestablishment of the marital relations, which, however, proved futile.

The evidence further shows that Stephen Hazlett has resided, with the exception of three months, continuously in the Cherokee Nation since 1891, and that he has not been divorced or married since the abandonment by his wife, up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Stephen Hazlett should be enrolled as a citizen by intermarriage of the Cherokee Nation, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby,
Chairman.

Thos. B. Needles,
Commissioner.

Clifton R. Breckinridge,
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harlow	294
Benjamin W. Williams	8	Emma Phillips	307
Lona Severs	19	John Whitenhunt	360
Sarah E. McCoy	21	Tilman Chance	373
Joseph Harberger	23	Thomas A. Sheffield	384
Laura Benson	40	Vester C. Martin	398
William W. Barnes	49	William Grigsby	417
Georgia Wood	54	William J. Largen	503
Walter A. Edens	62	Joseph P. Willis	504
Addie B. Ward	69	James T. Miller	508
Samuel G. Victor	73	George A. Waters	532
Sarah M. Thomas	109	Janette Messer	566
William R. Watson	165	Joseph A. Patton	579
William H. Ford	173	Benjamin G. Holland	703
Thomas N. Wilson	185	William Gordon	798
Ulnie Ann Smith	208	Maggie Patterson	804
Susan M. Perry	209	Martha M. Bruner	869
Gertrude Palmer	224	Emma Morris	942
Hugh Willis	229	Susie Fivehiller	957
Mary A. Willis	243	John F. Carden	[illegible]
John W. Thurman	253	William R. Benson	[illegible]

Mary Pettit	977
Bettie Mitchell	985
John J. Harrison	993
Jasper N. Bateman	1029
Susan Ballard	1065
Lucy Eva Simmons	1073
Ellen Thornton	1089
Sarah E. Hair	1090
Norman S. Drake	1092
Susan Hogg	1094
David L. Scott	1099
James C. Taylor	1111
Roxie Shepard	1128
Robert G. Elgin	1136
William Hall	1137
Mary Ella Lattimore	1141
Maggie J. Keys	1149
Joseph M. Correll	1177
Jane Ratley	1225
George E. Norton	1234
Mahala D. Thompson	1247
Charles M. Trammel	1264
Flora Carlile	1265
William H. Norsid	1275
Olivia Benge	1276
Dollie Wilson	1278
Moses Bell	1279
Sarah Fleetwood	1290
Rosa E. Fargo	1299
William M. Oliver	1333
Andrew J. Couch	1340
Lina Hyles	1347
Mary M. Miller	1350
Mary E. Taylor	1368
Polly Ann Benge	1369
Margaret Moton	1385
Minnie McKinney	1390
Nettie Seabolt	1418
Lawrence G. Faulkner	1433
Sarah A. Holt	1449
Jennette Polecat	1492
Ellen Seabolt	1508
Charles W. Nettles	1509
Lena Sittingdown	1511
Tim Creeden	1513
Odie Pideock	1517
Silas A. Saterfield	1529
Laura J. Jeremiah	1530
Etta Hicks	1540
Mary A. B. McKinney	1550

Millie Morton	1554
Andrew Walters	1573
John H. Holder	1610
Mary M. Burr	1612
Thomas E. Bonham	1644
Florence Headrick	1663
Daisy B. Brewer	1709
Annie Cordrey	1717
Adam Eckert	1722
Isaac Timmons	1726
Gent Gibson	1727
Amos Anderson	1731
William J. Mounts	1734
James D. Alexander	1745
Willis E. Miles	1769
Lora Adair	1781
John Yarborough	1796
Lillie M. Dassler	1802
Bryant C. Redington	1804
Malisa A. Maxwell	1808
Richard Dukes	1811
Fannie Pettit	1816
Genevia Pool	1817
Mollie Crossland	1822
Lizzie Benge	1828
John H. Welty	1847
Edward P. White	1884
Lauren P. Green	1887
Charles Rosser	1898
Fay Adair	1913
Henrietta Irving	1920
Bird Trippard	1925
John C. Carlile	1937
John W. Gilstrap	1954
Sarah Young	2018
Nancy A. Coleman	2049
James N. Whisenhunt	2118
Hiram Stephens	2157
Asa L. Guinn	2159
Rebecca J. Flying	2172
Thomas J. Measles	2192
Julia Coody	2215
Sarah Crutchfield	2224
Henry E. Lee	2251
Sarah Gritts	2256
John A. Madden	2261
Henry C. Pennel	2271
Matilda S. Cleland	2302
Dona A. Frazier	2312
Laura B. Cordrey	2320

Lafayett D. Kindred	2328
Pearl V. Sisson	2339
Nancy J. Sevier	2380
Mollie Hair	2385
Dora Sayers	2474
William T. Jones	2501
Sarah L. Martin	2502
William J. Shoemaker	2506
Maud Baldridge	2511
James L. Townsend	2513
George L. Morgan	2568
Andrew A. Brown	2575
Louis K. Fair	2623
James L. Mitchell	2644
Martha E. McNair	2659
Millard F. Eggleson	2668
Elisha M. Gray	2686
Jessie M. Ballard	2694
Annie Mayes	2798
Belle Sixkiller	2809
James P. Riley	2825
William Broaddus	2854
William A. Martin	2865
Joseph Q. Buchanan	2888
Marcellus L. Baker	2905
Etta M. Hill	2915
John R. Smith	2922
Ira W. Wallen	2926
John B. Laurence	2959
Lula O. Hitchcock	2961
Bell L. Muskrat	2975
Eliza O'Field	2977
Margaret Suagee	2993
Winfield S. Nance	3007
Benjamin F. Kelley	3010
Mollie Daugherty	3039
Charles H. Leatherman	3043
Alice A. Edwards	3100
Dorinda Adair	3106
William R. Gray	3118
Dora B. Caulk	3143
Jesse M. Gallman	3161
Martha E. Garrett	3162
Artie E. Large	3164
Andrew A. Kelley	3191
Anna B. Ryne	3193
Eliza Henderson	3198
David E. Jenkins	3212
Lizzie Falling	3233
Robert L. Payne	3252

William A. J. Trotter	3287
Albert P. Goforth	3298
Anna B. Martin	3307
William Brown	3344
Jennie B. Bluejacket	3345
William Little	3377
Julia M. A. Russell	3386
Andrew J. Smith	3393
William N. Blakemore	3396
Lizzie Denton	3417
Belle Hudson	3435
Thomas S. Heady	3437
William M. Roseborough	3444
Madison G. Hawkins	3467
Japhat F. Ellis	3491
Emma McAffrey	3543
William T. Huitt	3570
Myra F. Chouteau	3580
Phillip Donohoo	3581
Fred L. Kelley	3593
Annie Herod	3594
Maggie V. Fields	3615
Lou Payne	3616
Frederick W. Strout	3692
Andrew L. McCamish	3713
Sarah Dirtthrower	3731
William P. Coble	3758
Robert L. Madison	3761
Mariah McDowell	3795
Elizabeth R. Thornton	3811
Donithan A. Wilson	3841
Charles F. Covey	3868
Tamsey M. Williams	3886
Mary J. Wolfe	3889
Lathan Lumbard	3891
Micajah P. Haynes	3897
Annie L. Wingfield	3903
Mary Fields	3907
William W. Dudley	3944
Minnie M. McLaughlin	3950
Henry B. Lindsey	3978
Wilbert H. Parkison	3999
Seth R. Hall	4011
Wiley Hanna	4016
Martha M. Woods	4093
Lizzie Gray	4117
Nancy C. Carey	4131
Annie E. Kenney	4165
William H. Ward	4169
Nannie Brewer	4180

Nancy J. Kinney	4226
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4291
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swanneck	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4628
Robert K. Wann	4632
Frederick Metzner	4633
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Alice Robbins	4644
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John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
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Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
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Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
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Ida McCay	5093
Henry M. Lyon	5100
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Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5287
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John E. Etter	5239	Pauline P. Fitcher	5614
Harriette Rogers	5240	Charley Hendrick	5615
Amanda Foreman	5244	William N. Stinson	5616
William H. Wells	5261	Lenora A. Henry	5621
John T. Gaylor	5266	Effie M. Adams	5622
Annie Sweeten	5269	John H. Shimp	5624
Rosalee Hendricks	5278	Thomas B. Dickson	5625
Emma Chambers	5328	Minnie Henry	5628
James H. Thomas	5329	Thomas J. Simpson	5629
Melville B. Baird	5332	Cap L. Lane	5630
James R. Goodall	5356	Reuben E. DeLozier	5631
Charles Horton	5390	John Heape	5640
James W. Goddard	5417	Perry G. Brock	5645
Dora Cox	5425	Mary J. Newcomb	5650
Nannie G. Alberty	5438	George W. Seigel	5660
Sallie Ward	5455	Martha A. Parks	5666
William H. Sutherlin	5484	Zelda C. Mills	5674
Lizzie Hall	5487	Lizzie Rogers	5675
Cyrus B. Essex	5489	Emma Pigeon	5676
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Elector D. Miller	5496	Thomas B. Wood	5681
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Stella Henry	5499	William J. Kuhn	5686
William E. Oneal	5506	Elsie Couch	5688
John M. Sharp	5509	William H. Robinson	5692
John L. Davis	5514	Rachel Washington	5693
Sarah E. Downing	5518	Isaiah B. Blackwood	5700
Samantha C. Glass	5524	John R. Johnson	5701
Harry Jones	5525	Dennis W. Smith	5702
Aggie Paris	5532	William H. Chesnut	5705
James W. Hallford	5535	William H. Durham	5707
Phoebe Coker	5537	Albert B. Buckmaster	5710
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Joseph H. Johnson	5541	Joseph S. Layne	5731
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Alice Glass	5553	Juan N. Corn	5748
Addison Reeves	5566	Robert N. Crafton	5750
Alice Coats	5572	Benjamin F. Coffee	5756
Julia Kidd	5575	Frank McSpadden	5760
William R. Greer	5576	Charles D. Pendleton	5775
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Nancy Inlow	5587	Emma J. Ward	5778
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Annie R. C. Owen	5600	Henry F. Extine	5796
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Henry Westenhaver	5611	Edward Lutz	5816
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Posy F. Buckner	6005
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Martha E. McLain	6508
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Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
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Rosa Phillips	6723
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William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
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Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
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Allen L. Buckner	7331
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Mary F. Hummingbird	7420
Bertha A. Allen	7425
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Charles D. England	7512
May Cochran	7544
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Nancy I. Brown	7579
Mary B. Walkingstick	7642
Robert T. Kelleam	7653
Mollie Morton	7797
Mattie Girty	8006
Mack Alfred	8015
Ida Harmon	8016
Ida McCoy	8417
Rosie Foreman	8903
Annie Jackson	9034
Margaret T. Langley	9092
Ida M. Davis	9266
Nora Crapo	9289
Margaret Harmon	9378
Mary B. Langley	9438
Ella Gravitt	9439
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Herbert Kneeland	9518
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Joel D. Smith	9568
William T. Cave	9572
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Robert L. Gentry	9590
John C. Barker	9591
John P. Greenwood	9593
Henry Hayes	9596
Ella Cornwell	9598
Asa A. Hedrick	9599
William C. M. Robinson	9600
Woodrow Hadley	9612
William T. Gregory	9613
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Bate O. Reed	9618
Joseph E. Feland	9623
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Rosa B. Barger	9857
Rachel Foreman	9858
Serepta C. Willis	9861
Virgie Seabolt	9864
Annie Cannon	9867
Isabella McCoy	9874
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Stephen Duncan	9892
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John H. Horton	9904
Howe L. Rogers	9905
William Rush	9912
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William H. Hall	9920
Edith B. Pheasant	9935
Carrie A. Collins	9936
Lucinda Spriggs	9937
Ella F. Hail	9939
John W. Harris	9949
Hannah Raper	9942
John J. Coughran	9945
Youra F. Waybourn	9946
Louisa J. Taylor	9947
William M. Evans	9948
William F. Pierce	9940
May F. Chambers	9950
Albert Stevenson	9954
Henry Kiefer	9955
Sarah Bean	9956
Zeno M. Cox	9964
Jerusha E. Blair	9965
Elias Kyle	9991
Ida Cushman	9992
James W. Fleming	9994
Samuel Holmes	9995
Walter H. Talley	9997
Hannah J. Miller	9998
Clara V. Ward	10002
Stephen W. Pittsenberger	10005
Mary E. Palmour	10008
William T. Partin	10011
Nellie Fields	10013
Sarah A. Dawes	10015
Willard E. Hutchins	10016
Jesse Talbert	10020
Julia E. Setser	10021
Amanda E. Howell	10022
Mamie J. Rogers	10023
Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
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George A. Allen	10037
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John E. Carter	10039
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Darius B. Troth	10049
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Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
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James R. Stout	10072
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Lucy E. Robards	10114
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Anna B. Tittle	10124
Richard A. Clark	10126
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Walter L. Bates	10129
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Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
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Joseph Reed	D	468
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Alexander Walker	D	489
Albert J. High	D	491
America Matey	D	501
Moses L. Grasier	D	503
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Wallace Thursday	D	544
Thomas W. Baker	D	546
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William S. Edwards	D	569
Susan L. Reed	D	572
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Dora Guthrie	D	585
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Carrie L. McNair	D	634
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Nathan J. Brink	D	662
William S. Miles	D	668
Emma Waybourn	D	695
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
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Agnes N. Childers	D	749
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Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	792
Charles A. Robison	D	795
Artha Williams	D	820
Adam Gearhart	D	826
Cleero F. Rogers	D	835
Annie Garrett	D	836
George S. Yarbarough	D	873

Rhoda A. Shadow	D	870
Manual Spencer	D	890
Benjamin H. Hulbert	D	891
Mary Brassfield	D	893
James L. Tindle	D	944
Silas G. Rencsher	D	955
Ellen Wofford	D	957
Jasper L. Newton	D	971
John N. Gaines	D	974
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Nellie C. Mutterhead	D	1008
Thomas J. Welsh, Jr.	D	1008
Lizzie Christian	D	1010
George Hackwood	D	1012
James M. James	D	1022
Reuben A. Evans	D	1032
Curtis H. Cobb	D	1040
John M. Burns	D	1060
Sarah K. Hanson	D	1063
Laura D. Hanson	D	1066
Hettie K. Downing	D	1069
Benjamin F. Crain	D	1069
Benjamin Steichler	D	1129
Nancy Spaniard	D	1130
Annie Wilson	D	1131
Ora H. Maxwell	D	1135
Reuben W. Moore	D	1136
Cora Childs	D	1146
Janie Hughes	D	1179
Francis B. Reid	D	1180
Martha Covy	D	1185
Christina Johnson	D	1190
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Martha J. Hanson	D	1215
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Fred D. Mallory	D	1235
Nathaniel R. Martin	D	1261
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Etta Downing	D	1291
William Caywood	D	1296
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Alfred Chaney	D	1312
Euphemia Sweetwater	D	1314
Etta Bennett	D	1319

Ella Vance	D	1320
Lizzie Wofford	D	1320
Minnie Downing	D	1322
Katie Elder	D	1324
Samuel G. Mills	D	1327
Alfred M. Woods	D	1342
Cynthia Whitehiller	D	1352
Susie McSpadden	D	1356
Martha J. Hanson	D	1363
Samuel M. Collier	D	1367
Katy Payne	D	1369
Joseph H. Warren	D	1375
Mattie Miller	D	1428
S. F. Moore	D	1434
Addie Schrimsher	D	1440
Fannie Vance	D	1443
Marcella Mahaney	D	1474
G. W. Williamson	D	1485
C. F. Walker	D	1489
Louisa Blevins	D	1497
Frank Cowles	D	1501
Mary Francis Maddox	D	1507
Thomas Redman	D	1551
Katie Still	D	1565
Ira Crouch	D	1912
D. A. Mounts	D	1927
J. C. Sefton	D	1931
Jennie Holland	D	2001
Lou Sanders	D	2710
Caroline Barnes	D	2801
Lacey Crane	D	2802
Daisy Cash	D	2805
Hiram A. Landers	D	2809
Charles Noel	D	2812
Mattie Robinson	D	2813
Jennie Bish	D	2816
Alexander C. Russell	D	2817
Priscilla Rose	D	2818
Tom W. Reeves	D	2819
Mary Smart	D	2812
Rufus Tidmore	D	2813
Jasper Turquitt	D	2814
Mabel West	D	2815
Ophelia West	D	2819
Cora Whisenhunt	D	2820
Katy Martin	D	2847
Willie Esther	D	2848
Chaud Burger	D	2857
Elsie Conner	D	2858
John Cabell	D	2859

Herbert F. Crouch	D	2709	Samuel A. Pickhardt	D	2[illegible]
Albert C. Dyhse	D	2710	Ella Rogers	D	2[illegible]
Debbie Dove	D	2711	Elijah Rolland	D	2[illegible]
Frank F. Hendersons	D	2712	Robert Steele	D	2[illegible]
James Gaffard	D	2713	William H. Strother	D	2[illegible]
Anna L. Hafle	D	2714	Sallie Tennenade	D	2[illegible]
William R. Lipsey	D	2717	Mary Tuttle	D	2[illegible]
Bertha Landrum	D	2718	John F. Wolf	D	2[illegible]
Lila Shaw	D	2722	Ruth A. Ward	D	2[illegible]
John D. Mathews	D	2723	Winnie Dougherty	D	2[illegible]
Mary Holstead	D	2725	Mary Gaskin	D	2[illegible]
Bertha Hubbler	D	2729	Lydia Long	D	2[illegible]
Richard Hubsch	D	2731	Edith Roberts	D	2[illegible]
William S. Ross	D	2733	Rhoda Ward	D	2[illegible]
Isaac Riley	D	2739	Elmira J. Alberty	D	2[illegible]
William H. Rowley	D	2740	Thomas C. Cowley	D	2[illegible]
Columbus C. Scroggins	D	2741	Edward Fowler	D	2[illegible]
Della Swanson	D	2742	Dora Ferrence	D	2[illegible]
William S. Sage	D	2744	Parker Holt	D	2[illegible]
Ellen Thomas	D	2745	John Horton	D	2[illegible]
John P. Thurman	D	2746	Georgie Hafle	D	2[illegible]
Mary E. Davis	D	2770	Pernilla Johnson	D	2[illegible]
Jessie Frick	D	2774	Bettie Morton	D	2[illegible]
Emma Buffington	D	2778	Samantha Spaulo	D	2[illegible]
Will Black	D	2779	Mariah Ward	D	2[illegible]
Maggie E. Davis	D	2782	Ellen Watt	D	2[illegible]
Thomas Dotts	D	2783	Nora Horton	D	2[illegible]
William Dove	D	2784	Lizzie Anderson	D	2[illegible]
Nancy Dowson	D	2786	Francis Duval	D	2[illegible]
Lena Fields	D	2787	Wade S. Hayes	D	2[illegible]
Ella Graybeal	D	2788	James A. Hutchins	D	2[illegible]
Alice C. Hill	D	2789	Joseph Hughes	D	2[illegible]
Bertha R. Hafle	D	2790	Tennie Hare	D	2[illegible]
Margaret C. Hudson	D	2791	Evaline Hall	D	2[illegible]
Joseph A. Kelley	D	2793	John R. Lefferich	D	2[illegible]
Andrew G. Kepler	D	2794	Hattie Hanson	D	2[illegible]
Josephine King	D	2795	John D. Colwell	D	2[illegible]
Sarah Jane Hindsong	D	2796	Charles W. Phillips	D	2[illegible]
Madam Mahlon	D	2797	Sarah Shields	D	2[illegible]
John A. McKenzie	D	2798	Nettie Young	D	2[illegible]
Isaac McGee	D	2799	Jerry P. Ables	D	2[illegible]
Ollie Miller	D	2810	Almedie Ross	D	2[illegible]
William A. Martin	D	2811	John S. J. Fowler	D	2[illegible]
James P. Marvey	D	2812	Leamer Hood	D	2[illegible]
Oliver Mason	D	2813	James B. Jackson	D	2[illegible]
Eden Whitehead	D	2814	Emma G. Hobson	D	2[illegible]
Charley Nuchols	D	2815	Alice Simon	D	2[illegible]
Ida M. Hubbler	D	2817	George O. Wallace	D	2[illegible]
Lonjier Greeves	D	2818	Fannie Gley	D	2[illegible]
William H. Patterson	D	2819	Ellen Boyer	D	2[illegible]

Lee Fish	D	3161	Della Eskridge	R	198
Eunice Gray	D	3162	Samuel Bixby	R	197
Lulu Fish	D	3163	Mahan Fields	R	144
Lelia C. Harris	D	3164	Fred Zimmerman	R	239
Thomas Jones	D	3165	Ella Anapach	R	241
Benjamin Lewis	D	3166	Michael R. Miner	R	250
Martha Spade	D	3167	Belle A. Powell	R	252
Julian Wyrick	D	3168	Austin L. [illegible]	R	429
Samuel Harlan	D	3167	Mary L. Dudley	R	439
Lizzie Phelps	D	3171	Stephen Hesbet	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3170	Rebecca Bunge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Grace	R	628
Minnie Thompson	R	4	Andrew Sterrit	R	642
Jennie G. Thompson	R	5	John Sterrit	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosanna McLoughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	46	Lizzie Davis	R	781
Gabriel L. Payne	R	61	Clara M. Emerson	R	862

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

Commissioner.

Dated at Muskogee, Indian Territory,

this January 28, 1907.

Cherokee 2 [illegible]

Muskogee, Indian Territory, June 5, 1902.

Mr. Stephen Ezekiel,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby notified to appear before this Commission at its office in Muskogee, Indian Territory, on or before June 16, 1902, and submit evidence as to how long you have resided in the Cherokee Nation since the date of your marriage to Mary Fleming and whether you were a resident of said nation at the date of your enrollment on December 16, 1880.

Yours truly,

Acting Chairman.

Register

Cher. B 465

Muskogee, Indian Territory, January 10, 1907.

Stephen Hamlett,

Pryor Creek, Indian Territory.

Dear Sir:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn. D_____ Commissioner.

Cherokee R
465

Muskogee, Indian Territory, March 14, 1907.

Stephen Hazlett,

Pryor Creek, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 18, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.C-108
MTM

Commissioner.

E

6R465

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 12 1901

ACTING CHAIRMAN.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Ft Gibson I.T. Sept 5 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Stephen Hazlett for enrollment as citizens of the Cherokee Nation.

A. M. Rasmus
Atty.

No. 6R465

Geo. D. Clerk

On Oct 15th 1907 applicant was told that he must introduce the witness of one Dudley. This he has not done.

Decision. States he has not been divorced or married, while Evidence shows that his wife procured a divorce.

P.D.K.

11/18/07

Cher R 466

Cher R 466

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 6, 1900.

In the matter of the application of William H. Payne for the enrollment of himself and one child as Cherokee citizens; he being sworn and examined by Commissioner C R. Breckinridge, testified as follows:

Q Give me your full name. A William H. Payne.
Q How old are you? A 22.
Q What is your postoffice? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Who is it you want to enroll: yourself? A Myself and one child.
Q Are you a Cherokee by blood? A Yes sir.
Q How long have you lived in the Cherokee Nation: all your life?
A No sir, ever since 1893.
Q Where were you born? A Parson, Kansas.
Q When did your father go to Kansas? A In 1878.
Q How long did he stay there? A He staid there until 1893.
Q Your mother and all the family staid there? A Yes sir.
Q Your mother was living all that time until 1893? A Yes sir, she's living yet.
Q Give me the name of your father. A William P. Payne.
Q He's dead is she? A Yes sir.
Q Give me the name of your mother. A Mary A.
Q She's alive? A Yes sir.
Q When did you father died, in 1895? A I believe it was.
Q He came to the Cherokee Nation in 1893? A Yes sir, and he died a year before the strip payment.
Q Wasn't it a year after? A No sir, he died before.
Q He came back here in 1893, and died shortly afterwards? A Yes sir. It was before the strip payment.
Q He came back in 1895 and died within a year? A Nine or ten months afterwards.
Q Your brother stated that he came back in 1892, but however, that is immaterial, the main facts are here. Your father staid in Kansas from 1878 until 1893? A Yes sir.
Q Did your father apply for readmission to citizenship to the Cherokee Council or Commission when he came back? A Yes sir.
Q Was he ever admitted? A I couldn't tell you.
Q Have you a certificate of his readmission? A No sir, he was enrolled alright.
Q Did you draw Cherokee strip money? A Yes sir.
Q What did your father do up in Kansas? A A blacksmith.
Q Kept house up there? A Yes sir.
Q Votes there on elections? A No sir.
Q How do you know that? A He said he never. He wouldn't vote.
Q Why? A He said it would knock him out in the territory if he was to vote.
Q Did he leave any property down here? A He left his cattle and a couple of places here with his brother when he left.
Q He kept that all the time he was away? A No sir, he sold it.
Q He applied for readmission, but you have no evidence that he was readmitted by the Cherokee Commission? A No sir.
1896 roll: page 233, #3802, Wm. A. Payne, Cooweescoowee.
1894 roll: page 1119, #2311, Wm. H. Payne, Tahlequah district.

By E. C. Baugh, representative of the Cherokee Nation-
Q Was you enrolled in Cooweescoowee district by the Census takers or down here at Tahlequah? A I wasn't enrolled at Cooweescoowee; I was enrolled down here.
Q The Census takers refused to take you up there? A No sir.
Q Why didn't you appear before them when they were going around taking the Census? A I never enrolled myself; my mother enroled me.

R. W.F.

Commissioner-
Q Give me the name of your child? A Flossie M.
Q How old is your child? A Seven weeks old.
Q What is the name of the mother ofthat child? A Rosetta.
Q Is she a white woman? A Yes sir.
Q How old is she? A She's twenty years old.
Q When did you marry her? A 6th of last October, a year ago.
Q Married her in October, '99? A No, in 1898, two years ago.
Q What was her name when you married her? A Rollins.
Q You were never married except to her? A No sir.
Q She was never married except to you? A No sir.
Q She's lived with you ever since you were married? A Yes sir.
The applicant presents a license issued by the Clerk of the United States Court, Northern district, Indian Territory, under date of October, 6, 1898, authorizing his marriage to his wife as stated by him. The certificate shows that they were married on the same date by the Rev. William H. Shank. This is filed herewith.

Commissioner Breckinridge.
The applicant applies for the enrollment of himself, and one child. He states that he has lived in the Cherokee Nation since 1893, and he is identified on the rolls of 1894 and 1896. He was born in the State of Kansas, where his father and mother went in 1878, prior to the applicant's birth. The family staid there, according to the applicant's testimony, until 1893, a period of some fifteen years. There is no evidence that they ever acquired readmission from the Cherokee Council or Commission on Citizenship theigh application was made for readmission. It is considered that the father and mother during their protracted residence in Kansas, had under the Cherokee law forfeited their citizenship in the Cherokee Nation, andthat under the circumstances, they could not again enjoy the rights of herokee citizenship without readmission by he Cherokee Commission or Council, or some other competent authority, and no such action appears to have ever been taken. As the applicant was born in Kansas during the period of the father's residence there, he acquired no rights by birth that his father and mother did not enjoy at that time, therefore, not having been born into the right of Cherokee citizenship, and never having been readmitted by any competent authority, he is not considered entitled to enrollment at this time, and the application for his enrollment is rejected. He is shown to have married his wife in 1898. She is a white woman. No application is made for her enrollment. The application for the enrollment of his child, Flossie M., is in accordance with the consideration of the father, rejected. He is desired in order to complete the records of the case to file a certificate of the birth of the child, Flossie M.

E.G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger

Subscribed and sworn to before me this 7thday of December, 1900.

Commissoner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 21, 1908.

In the matter of the application of William H. Payne for the enrollment of himself and child as Cherokee citizens.

An examination of the printed list of persons admitted and readmitted to citizenship in the Cherokee Nation, which list was prepared by the Cherokee Tribal authorities and is now in the possession of this Commission, fails to disclose either the name of William H. Payne, Mary A. Payne or William H. Payne. It does not appear that either of the parties here named were admitted to citizenship by the Commission to the Five Civilized Tribes, or by the United States Court on appeal therefrom.

It is ordered that copies of this statement be filed with the above case.

C. R. Breckinridge

Commissioner.

R 668

Department of the Interior,

Commission to the Five Civilized Tribes.

In the matter of the application of William H. Payne for the enrollment of himself and child as Cherokee citizens.

DECISION.

It appears from the record in this case that on the 6th day of December, 1900, William H. Payne appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and his minor child, Phenzie K. Payne, as citizens by blood of the Cherokee Nation.

The evidence in the case shows that the applicant, William H. Payne, was born in the State of Kansas. His parents at one time resided in the Cherokee Nation, but removed to the State of Kansas in 1878, and resided there until 1893, at which time they returned to the Cherokee Nation. It appears that the father of this applicant, William P. Payne, applied for re-admission to citizenship in the Cherokee Nation, but the record discloses the fact that he is not included among the persons admitted and re-admitted to citizenship in the Cherokee Nation. Neither is his mother, Mary A. Payne, nor the applicant himself, found on such list. He is identified on the Cherokee Census Roll of 1896, and the strip payment roll of 1894.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., [illegible]):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of 1880 (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll of persons whose names are found thereon, and all persons entitled to enrollment by the tribal constitution who have heretofore been

permanent settlement in the Cherokee Nation, whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Under the facts and the law in this case it is considered that William M. Payne is not entitled to be enrolled as a citizen of the Cherokee Nation, and that his name is on the roll of 1896 without authority of law. His child, Flossie M. Payne, is the result of a marriage between himself and Rosetta Rollens, a white woman, on the 6th day of October, 1899. Such child could of course acquire no rights and possessed by either of its parents. The child is too young to be identified on any roll. The application therefore for the enrollment of William M. Payne and his child Flossie M. Payne, as citizens by blood of the Cherokee Nation, is denied.

C. R. Breckinridge

Dated at Muskogee, Indian Territory,
this the 21 day of May, 1906.

IN THE DEPARTMENT OF THE INTERIOR.

In re)
application of William H. Pegan)
and Phoenix H. Pegan for enroll-)
ment as Cherokee citizens.)

MOTION FOR REVIEW AND REHEARING.

Now come the above named applicants by their attorney, William Henry White, and move that the decision of the Secretary of the Interior dated September 10, 1908, and the decision of the Commission to the Five Civilized Tribes dated May 20, 1908, be set aside and a rehearing granted and but for the following reasons:

Statement of Facts.

William H. Pegan, the principal applicant, is a Cherokee by blood. He removed to and in good faith settled in the Cherokee Nation in the year 1888, and has continuously resided in the Nation since that time. His name appears upon the Cherokee early payment roll of 1896 and upon the census roll of 1896. The record is silent as to his admission or readmission to citizenship by the Cherokee National Council, and even if he were admitted or readmitted, his removal to the Nation was before the passage of the Cherokee act of December 4, 1886.

This case is so simple and that applicants' rights are so unquestionable that to them it seems only to call attention of the Department to the facts in the case and to respectfully refer to the decisions of the Department in the cases of Janet Gibbins, Ezra Goldsmith, et al., Jesse Lynn, et al., Lizzie Jackson, et al., and Sarah A. Dobson, et al.

Attention is also invited to the recommendation of the Indian Office in this case dated August 30, 1906.

Attention is also invited to the finding of fact by the Commission that Phoebe H. Payne is the child of the principal applicant.

We respectfully submit that the contention of the Department and of the Commission heretofore referred to are in error under the recent decisions of the Department, and that they should be reversed and the applicant, William H. Payne, and his daughter, Phoebe H. Payne, enrolled as citizens of the Cherokee Nation.

Respectfully submitted,

Attorney for Applicants.

CTB

Cherokee R 448

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William H. Payne, et al., as citizens by blood of the Cherokee Nation.

-vs-

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on December 6, 1900, William H. Payne appeared before the Commission to the Five Civilized Tribes, and made application for the enrollment of himself and his minor daughter, Flossie M. Payne, as citizens by blood of the Cherokee Nation.

The records further show that on May 20, 1902, the Commission to the Five Civilized Tribes rendered its decision herein, denying said applicants the right to enrollment as citizens by blood of the Cherokee Nation, and that said decision was duly affirmed by the Department on September 10, 1902 (1, I. D. 324-1902). Thereafter, on February 17, 1905, a motion to reopen having been filed on behalf of applicants, the Department remanded said case for further hearing and readjudication. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on March 20, and April 13, 1905. A copy of the testimony taken at Claremore, Indian Territory, on November 6, 1900, in the matter of the application for the enrollment of Mary A. Payne as a citizen by blood of the Cherokee Nation, is filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That William H. Payne is a Cherokee by blood, and a son of William P. Payne, deceased, and Mary A. Payne, a Cherokee by blood who is listed for enrollment

on Cherokee roll 1880, and whose name appears upon a partial roll of citizens by blood of the Cherokee Nation approved by the Department June 21, 1904, opposite No. 10098.

The evidence further shows that William H. Payne was born in Parsons, Kansas, in 1878, and resided there with his mother until 1883, when he returned with her to the Cherokee Nation, where he has since continuously resided, and is duly identified on the 1880 Strip Payment roll, and the 1880 Cherokee census roll. The minor applicant herein, Flossie M. Payne, is not identified on any roll of the Cherokee Nation, having been born since the 1896 roll was made.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), William H. Payne, and Flossie M. Payne, are entitled to enrollment as citizens by blood of the Cherokee Nation, and their application for enrollment as such is accordingly granted.

SIGNED: Tams Bixby

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this OCT 21 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cher. R-486.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 20, 1902.

W. W. Hastings, Esq.,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed the decision of the Commission to the Five Civilized Tribes in the matter of the application of William H. Payne for the enrollment of himself and child, Flossie M. Payne, as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision.

The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

Enc. R-14.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH, SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 466.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date May 20, 1902, rejecting the application of William H. Payne for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on September 10, 1902.

Respectfully,

Acting Chairman.

WILLIAM HENRY WHITE,
Attorney at Law,
COLUMBIAN BUILDING, 416 5TH ST., N. W.,
Washington, D. C.

July 9, 1904.

W. W. Hastings, Esq.,

Tahlequah, Ind. Ter.

Dear Sir:

Enclosed please find carbon copy of motion for review and rehearing in re application of William H. Payne and Flossie M. Payne for enrollment as citizens by blood of the Cherokee Nation.

Yours very truly,

Enc.

I. T.
FHB.

D. C. 9042-1906; DEPARTMENT OF THE INTERIOR,

I. T. D. 5241-1902. WASHINGTON, February 27, 1906.
6058-1904.
1606-1905.

L. R. E.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered a motion for review in the matter of the application of William H. Payne, et al, for enrollment as citizens of the Cherokee Nation, in which case the Department rendered a decision September 10, 1902, affirming your decision adverse to the applicants.

In view of the rulings of the Department in the Yeargain and other similar cases, made since the decision of September 10, 1902, such decision is hereby recalled, and you will allow the applicants, after due notice to the attorney for the Nation, to submit further testimony to show that they are entitled to enrollment under the present interpretation of the laws governing the question of citizenship by blood in the Cherokee Nation, after which you will readjudicate the matter.

The testimony and papers attached, and the motion for review, are inclosed.

Respectfully,

(Signed) W. H. Miller.

Acting Secretary.

2 inclosures.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. FRIDERICH,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DBW

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-486.

Muskogee, Indian Territory, March 3, 1905.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of William H. Payne et al., as citizens by blood of the Cherokee Nation, you are advised that the Commission is in receipt of Departmental letter of February 17, 1905, remanding this case for rehearing and readjudication.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, March 20, 1905, and introduce such testimony as he may desire in support of his said application. You are advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in this case.

For your information there is herewith inclosed a copy of Departmental letter referred to.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

Encl. L-14.

REFER IN REPLY TO THE FOLLOWING:
Cherokee R-466.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

BCG

Muskogee, Indian Territory, October [illegible], 1905.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated [illegible], 1905, granting the application for the enrollment of [illegible] and Flossie M. Payne as citizens by blood of the Cherokee Nation.

You are advised that you will be given [illegible] from date hereof within which to file such protest you may desire to make against the action of the Commissioner in [illegible], a copy of which you will be required to furnish the protested applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Commissioner.

Incl. S-18

Copy

Land.
80772-1905.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON.

June 9, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes, dated October 31, 1905, transmitting the record of the application for enrollment as a citizen by blood of the Cherokee Nation of William H. Payne, and his minor daughter, Flossie M. Payne.

October 31, 1905, the Commissioner decided favorably for both applicants.

The records show that on May 20, 1902, the Commission to the Five Civilized Tribes rendered its decision denying the applicants enrollment and the decision was affirmed by the Department September 10, 1902(I.T.D. 8241-1902); that thereafter the Department remanded the case for further hearing and readjudication.

The evidence shows that William H. Payne is a Cherokee by blood and a son of William H. Payne, deceased, and Mary A. Payne, a Cherokee by blood, who is listed for enrollment and is enrolled upon a partial roll of citizens by blood of the Cherokee Nation approved at [illegible] by the Department, June 11, 1904. It is further shown that William H. Payne was born in Kansas in 1878 and resided there with his mother until 1893, when he returned with her to the Cherokee Nation, where he has continuously resided

and is duly indentified on the 1896 Strip Payment Roll and the 1896 Cherokee census roll. The minor applicant, Flossie M. Payne, is not identified on any roll of the Cherokee Nation, having been born since the 1896 roll was made.

In view of the record the approval of the Commissioner's decision favorable to the applicants is recommended.

Very respectfully,

C. F. Burnham,

Acting Commissioner.

M.M.M.M.M.

D. 6 22343 G.M.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D.5058-1904.
1608-1905.
10776-1906.

July 11, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

October 31, 1905, you retransmitted the remanded record in the matter of the application for the enrollment of William H. Payne and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, including your decision of the same date, admitting said applicants to enrollment as citizens by blood of the Cherokee Nation.

June 9, 1906, the Acting Commissioner of Indian Affairs reporting thereon, recommended that your decision, favorable to the applicants, be approved. A copy of its letter is inclosed.

The Department concurs in the recommendation made, and your decision of October 31, 1905, granting the application of William H. Payne for the enrollment of himself and his minor child, Flossie M. Payne, as citizens by blood of the Cherokee Nation is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Cherokee
R. 466.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated October 31, 1905, granting the application of William H. Payne for the enrollment of himself and child, Flossie M. Payne, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior, July 11, 1906.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Incl.C-15.
LMC

R46

William H. Payne, et al.

DENIED

ACTION APPROVED BY
SECRETARY

GRANTED

ACTION APPROVED BY SECRETARY OF INTERIOR

Jul 11, 1906

CHEROKEE CASE No. 14

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

William H. Payne,
Lossie M. Payne

Department of the Interior,
RECEIVED
AUG 25 1902
Enc. No. 5241
Indian Territory Division

DEPARTMENT OF THE INTERIOR
JUL 27 1904
Returned with No. 658
Inclosure IND. TER. DIV.

As citizen of the Cherokee Nation.

Muskogee, I. T., May 20th 1902

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

31143

Indian Office
20
Inv. No.

1902

54445

13928

Cher R 467

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 7, 1900.

In the matter of the application of Samuel W. Carpenter for the enrollment of himself, wife and one child as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Samuel W. Carpenter.
Q How old are you? A 36 years old.
Q What is your postoffice? A Webbers Falls.
Q What district do you live in? A Canadian.
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children? A One.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir; my first wife was.
Q You have married out? A Yes, that's what I am thinking about.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q How many times have you been married? A Just two times.
Q Give me the name of your first wife ? A Her name was Emma Harmon.
Q Is she dead? A Yes sir.
Q When did she die? A She's been dead 11 years.
Q Was she a Cherokee by blood? A Yes sir.
Q Is she the mother of this child that you want to enroll? A Yes sir.
Q How old was she when she died? A She was 24.
Q What was the name of her father? A Daniel Harmon. He's a Creek himself.
Q Is he dead? A No sir.
Q Give me the name of her mother. A I don't know.
Q Daniel Harmon wasn't enrolled as a Cherokee? A He made application to get his right in the Creek Nation, and he had always been here for long years.
Q Was he enrolled as a Cherokee? A Yes sir, as a Cherokee.
Q Your wife's mother is dead, is she? A Yes sir.
Q Do you know her name at this time? A No, I don't know her given name. Her name was Pack before she was married. I think it is Cynthia.
Q Was your first wife born in the Cherokee Nation? A Yes sir.
Q Did she lived here all her life? A All her life.
Q Have you your marriagelicense andcertificate? A Yes sir.
Q Did you live with your wife, Emma, until she died? A Yes sir.
Q She was never married except to you? A No sir.
Q Were you ever married before you married her? A No sir.
Q When did you marry your second wife? A This March coming will be two years.
Q What is her name? A Her name is — Nancy Ricks was her name.
Q She's a white woman is she? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Give me the name of the child of your first wife? A Cleland Carpenter.
Q How old is that child? A 11 years old.
Q He's living now? A Yes sir.
Q His mother died when he was a baby? A Yes sir.

The applicant presents a license issued by the Clerk of Canadian district March 6, 1898, authorizing his marriage to his first wife as stated by him. The certificate shows that they were united in marriage in the same year, the day and the month not stated, by the Reverend H.S.Parks, and the endorsement shows that the document was recorded on March 20, of the same year. This is filed herewith.

2- S.W.C.

1880 roll: page 23, #637, Emma Harmon, Canadian district
1896 roll: page 86, #45, Samuel W. Carpenter, Canadian district
1896 roll: page 13, #586, Olmuta Carpenter, Canadian district.

Commissioner Breckinridge-

The applicant applies for the enrollment of himself, his wife, and one child, the child being by a former wife. He has been married twice. He claims that his first wife was a Cherokee by blood, and states that his second wife is a white woman. He is a white man. He is ~~identified~~ shown by the license and certificate filed herewith to have married his first wife in 1888, in the month of March. He states that neither he nor she had previously married. She is identified on the roll of 1880 as a native Cherokee. She had lived in the Cherokee until her death some eleven years ago, and she and her husband lived together from the time of her marriage until her death. The applicant is identified on the roll of 1896, but since of his Cherokee wife he has married a white woman. He is, therefore, considered to have lost his rights as a Cherokee by adoption, and the application for his enrollment at this time is rejected. His wife being a white woman, and he being a white man, her marriage to him does not give her any right to enrollment; also she married him in March, 1899, after the Cherokee law of December, 16, 1895, prohibiting the right to enrollment by intermarriage. The application for her enrollment is rejected; The name of his present wife being Nancy Carpenter. The child, Olmut, is by the applicant's first wife, and this child's mother is identified on the roll of 1880, and lived in the Cherokee Nation until her death, and as the child is identified on the roll of 1896 and is living now, and the marriage established, this child will be listed for enrollment as a Cherokee by blood.

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. C. Rothenberger.

Subscribed and sworn to before me this 7th day of December, 1900.

Commissioner.

R 467

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 7 1900

ACTING CHAIRMAN.

Testimony of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

38

Date DEC 7 1900 1900.

Name Samuel W. Carpenter. Weatherford Falls. I.T.

District Canadian Year 1896 Page 86 No. 45

Citizen by blood no Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name ~~Nancy Carpenter~~

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Denied

FILED
MAR 4 1902

COPY

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Samuel W. Carpenter, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 487, it is entitled Samuel W. Carpenter, and is known as a Cherokee rejected application.

Respectfully,

Signed T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Encl. C-R.487.

(COPY)

COMMISSIONERS
TIBBY L. DAVIS,
TAMS BIXBY,
THOMAS B. RENDON,
C. R. SCHRIVENER.

ALBERT L. SCHRIVENER,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. 2. 457.

Muskogee, Indian Territory, February 14, 1902.

Mr. Samuel W. Carpenter,
Wetumpka Falls, Indian Territory.

Sir:-

On the 7th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you were married by authority of a Cherokee marriage license issued on the 6th day of March, 1886, to Emma Harmon, a citizen by blood of the Cherokee Nation. You testify that your Cherokee wife is dead and that in March, 1899, and subsequent to the death of your Cherokee wife you married Nancy Dicks, a white woman.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation among parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their

parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

Under the foregoing provisions of the Cherokee law as applied to the facts in this case, it is considered that by your marriage in 1899 to Nancy Dicks, a white woman, you have forfeited all such rights of citizenship as you acquired by your former marriage, and you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

By (Signed) [redacted]

Register.

[redacted]

Commissioner in Charge.

[illegible]

Number	Name	Number	Name
192	George H. Warner	186	William H. [illegible]
198	George T. [illegible]	216	Frank Gordon
246	John Hunt	251	John F. Rice
254	[illegible] Parsons	266	Richard H. Carrington
264	Lamberry T. Kimbell	276	Ben Hill
278	[illegible] Hall	288	William H. [illegible], Jr.
304	Silas T. Busby	327	Jonsada Youngblood
368	Edith Evans	428	Joseph A. Brutter
435	Emily D. Henshaw	450	Lucy A. Jones
456	John F. Stevenson	469	Frank M. Garrison
437	Samuel T. Carpenter	475	Lillie Hood
483	Ed Courtney	532	William J. Hawkins
544	Samuel M. Swaston	559	Mary S. Armstrong
627	Indiana Mahony		

Section 28 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 28. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons not living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the rights of all other persons whose names are found on any other roll

[illegible] all such as may have their claims [illegible] by record or other [illegible] to be entitled to the rights of citizenship [illegible] Cherokee Nation [illegible] to be citizens [illegible] Cherokee laws.

Section one of the Cherokee laws is as follows:

Sec. 1. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the husband or the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person (as the case may be), having no rights of Cherokee citizenship by blood in that tribe, all of his or her rights secured under the provisions of this act shall cease.

Then section seven and the same provides herein.

These citizens were first admitted to citizens of the Cherokee Nation by intermarriage with the laws of the Nation, and the citizen wife or husband having died they have been subjected to the death of said citizen husband or the married citizens of the United States.

The same Cherokee points that these citizens were not [illegible] by intermarriage or citizens [illegible] they [illegible] [illegible] the United States [illegible] the citizenship [illegible] [illegible] the [illegible] [illegible] [illegible]

ACTING CHAIRMAN
1904

L.R.S. 12888. R. S.P.

Department of the Interior,

Washington,

March, 28, 1902.

I. T. D. 1799-1902.
D. C. 8828-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Samuel W. Carpenter, R 487, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

[illegible] 9.

DEPARTMENT OF THE INTERIOR,
Washington.

I. T. D. 2730-1908. March 28, 1908.

Commissioner to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 14, 1908, you transmitted the record in the matter of the application for enrollment of Adline Keel as a Cherokee citizen by intermarriage - R 20.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1885; that she married a nonciticen of the Cherokee Nation in 1894, and this husband having died, she married in 1901 another nonciticen.

Adhering to the provisions of section 21 of the act of June 28, 1898, (30 Stat., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee law," you rejected the application because the Cherokee law of October 14, 1893 (see " Laws of the Cherokee Nation" published by the act of the National Council in 1893), provides:

" Sec. 6th. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

FILED
1902
ACTING CHAIRMAN

The Acting Commissioner of Indian Affairs, [illegible] [illegible] the case with others, recommended that your decision be concurred in.

The claimant, as child by rom, by marriage of the Cherokee Nation, [illegible] in a Cherokee citizen by intermarriage after the death of her Cherokee husband [illegible] a citizen of the Cherokee Nation, and your and the Department's [illegible] of the Acting Commissioner's letter is enclosed.

Respectfully,

F. M. Campbell,

Acting Secretary.

L.F.B.

1 Enclosure.

[redacted]

[redacted], Indian Territory, April 18, 1898.

Mr. [redacted],
[redacted], Indian Territory.

SIR:

You are hereby advised that the Commissioner's decision of [redacted] 14, 1898, rejecting your application for enrollment as a citizen of the Chickasaw Nation was approved by the Secretary of the Interior on the 16th day of March, 1898.

Very respectfully,

[redacted] in charge.

[redacted]

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-457.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Samuel W. Carpenter, Cherokee No. R. 457, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,

Commissioner in Charge.

Cher R 468

Cher R 468

REFERRED as to Applicant's wife, Serepta.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1900.

In the matter of the application of William B. Willis for the enrollment of himself, wife and child as citizens of the Cherokee Nation; said Willis being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William B. Willis.
Q What is your age, Mr. Willis? A 40.
Q What is your post office? A Vashillau.
Q What district do you live in? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q By blood or intermarriage? A By blood.
Q Who do you want to enroll? A Myself and child and wife.
Q What is the name of your wife? A Serepta.
Q How old is she? A She is 39.
Q Have you got any certificate of marriage? A No, sir.
Q Have you but any proof of your marriage? A I was married in Georgia.
Q Are you an admitted citizen? A Yes, sir.
Q Have you got any certificate of admission? A Yes, sir.
Com'r:—Applicant presents a certificate signed by E. M. Hawks, Asst. Executive Secretary of the Cherokee Nation, under date of 10th of May, 1893, certifying that William B. Willis, age 27, was admitted to Cherokee citizenship on the 6th day of May, 1866.
Q What is the name of your children? A Effie.
Q How old is Effie? A Effie is six years old.
Q What is the name of the next child? A That is all.
Q When did you remove to the Cherokee Nation? A About 13 years ago.
Q What year was that? A '87.
Q Were you here when you were admitted? A No, sir.
Q How soon did you come after you were admitted? A I reckon the next year.
Q Have you lived here continuously ever since? A Yes, sir.
Q Your wife was not admitted at the time you were, was she? A No, sir.
Q Were you married after you were admitted to Cherokee citizenship or before? A Before.
Q In the State of Georgia? A Yes, sir.
Q You have not been married after you came to the Cherokee Nation? A No, sir.
Q Is your present wife and wife you married in the State of Georgia? A Yes, sir.
Q Been living with her ever since? A Yes, sir.
1896 Roll; page 1262, #3531, William B. Willis, Tahlequah.
1896 Roll; page 1262, #3533, Effie Willis, Tahlequah.
Q Have you been living continuously in the Cherokee Nation? A Yes, sir.

Com'r Needles:—The name as William B. Willis appears upon the census roll of 1896. He applies for the enrollment of his wife, Serepta, and child, Effie. He presents a certificate of admission certifying that he admitted to citizenship in the year 1866, and makes satisfactory proof as to his residence. He swore that he was married to his wife in the State of Georgia, before his admission to citizenship and he has never been remarried to her according to the laws of the Cherokee Nation; consequently the application for the enrollment of his wife, Serepta, will be rejected.

a R468

SOUTHERN PACIFIC CO. FOR THE BENEFIT OF THE ATCH.
CHARLES FA STROUD, OF NEW ORLEANS, UPON THE LETTING OF A CONTRACT
OF PROF. HIS WRITING WILL NOT BE TAKEN FOR ANOTHER, OR A
THE NEED OF THE ORIGINAL WRITER IN LOWER MODE AND COMMON ART

ARTHUR J. STEVENS

ENGINEERING
ILL
DEC 8 1900

ACTING CHAIRMAN

William B. Willis,

The name of his child, Myrie, is found upon the census roll of 1896. His child Myrie will also be listed for enrollment as a Cherokee by blood, as well as himself, upon the filing of satisfactory proof of his marriage to his wife.

J. O. Rosson, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 5th day of December, 1900.

Commissioner.

R469 Hstgp

Cherokee R-468.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of SEREPTA CATHERINE WILLIS as a citizen by intermarriage of the Cherokee Nation.

DECISION.

The record in this case shows that on December 7,1900, William B. Willis appeared before the Commission at Tahlequah,Indian Territory, and made application for the enrollment, among others, of his wife, Serepta Catherine Willis, as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Tahlequah, Indian Territory, on September 20, 1902. The other parties to the application are differently classified, and are not embraced in this decision.

The evidence shows that the said Serepta Catherine Willis was lawfully married on December 4, 1877, to Benjamin Willis, who was admitted to citizenship in the Cherokee Nation by the duly constituted authorities of said Nation on May 16, 1888.

The Cherokee Supreme Court, in the cases of Cherokee Nation vs. Nancy Rogers and Melissa Dawson vs. W. A. Dawson, held that a white woman, married to a Cherokee Indian at the time of his admission to citizenship, acquires thereby the rights of Cherokee citizenship.

The evidence further shows that Serepta Catherine Willis has lived with her said husband in the Cherokee Nation continuously from the year 1887 up to and including September 1, 1902.

It is, therefore, the opinion of this Commission that Serepta Catherine Willis should be enrolled as a citizen by intermarriage of the Cherokee Nation,in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28,1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R - 468.

Muskogee, Indian Territory, October 30, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated October 27, 1902, granting the application of William B. Willis for the enrollment of his wife, Seropta Catherine Willis, as a citizen by intermarriage of the Cherokee Nation.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

C. R. Breckinridge

Acting Commissioner.

Enclosure C. No. 165

Cher R 467

[illegible], as to wife, Nancy Jane.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 7, 1900.

In the matter of the application of James Monroe Hall for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A James Monroe Hall.
Q What is your age? A 48 I reckon.
Q What is your post-office? A Welch.
Q What district do you live in? A Which is in Delaware district
Q In which side of the track do you live? A Live on the west side.
Q You live in Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation by blood? A Yes sir.
Q Who do you want to enroll? A Myself, wife and children.
Q What is the name of your wife? A I have got them listed down here, and their ages.
Q Your wife's name I would like to know? A Her name is Nancy Jane.
Q Is she a citizen by blood? A No sir.
Q Have you got a certificate of your marriage to her? A No sir
Q Any proof of marriage? A Yes sir, I haven't it here today.
Q When did you marry her? A I married her in 1878; we weren't married in this country.
Q What are the names of your children? A John Gordon, Hall, born July 11th 1881;
Q What is the name of the next one? A Lillie Nell Hall.
Q How old is Lillie Nell? A October 12, 1883.
Q The next one. A Elizabeth P.
Q How old is she? A May 6th 1886.
Q The next one? A Amy Hall.
Q How old is she. A November 2 1889.
Q Nell? A Kittie Maud Hall.
Q How old is she? A May 13, 1891.
Q Nell? A Oscar Samuel Hall. April 27 1897.
Q That all? A That's all, with me.
Q Is your name on the roll of 1896? A Yes sir.
Q Have you any certificate of citizenship? A Yes sir.
Q Please present it. A I forgot that; I never thought about I was adopted in the Adair court.

Examined by Commissioner Dennis W. Hastings:

Q When did you come to the Cherokee nation? A I came to the Cherokee nation in 1864.
Q Then you were here three years before you were admitted? A Yes sir, I suppose about three years.
Q May you have been here ever since you were admitted in the Cherokee Nation? A Yes sir and we are all on the roll, only this younger one.
1904 roll page 1164 Page James M. Hall Tahlequah District
1904 roll page 1202 Page Nancy J. Hall Tahlequah District
1904 roll page 1164 Page John G. Hall "
1904 roll page 1164 Page Lillie N. Hall "
1904 roll page 1164 Page Elizabeth P. Hall "
1904 roll page 1164 Page Amy Hall "
1904 roll page 1164 Page Kittie M. Hall "
Q When you were married to your wife according to the laws of the Cherokee Nation? A Not according to the laws of the Cherokee Nation.

a

R469

[illegible] Wall et al 2

Q You were married to her in the State of [illegible] A In the State of Tennessee.

Q You have got no certificate of marriage? A No sir.

Q [illegible] The name of Nancy Wallace will be found upon the Dawes roll of 1896; the records of the Cherokee Nation show that he was admitted to Cherokee citizenship on the 23rd day of May 1897; he avers that he has resided in the Cherokee Nation ever since; he was married to his wife Nancy Jane in the State of Tennessee, and presents no certificate of marriage; he avers that he has the following named children, John T., Lillie B., Elizabeth F., Amy and Willie V., whose ages appear upon the census roll of 1896; he also avers that he has one child, Oscar H., whose name does not appear upon said roll, having been born since the census was compiled; their only identification according to age and number of the rolls as indicated in the testimony, he makes satisfactory proof as to residence, consequently said Jesse W. Wall and his children as enumerated herein will be duly listed for enrollment as Cherokee citizens by blood, upon his filing with this commission a satisfactory proof of citizenship also satisfactory proof of birth as to Oscar H. his younger child.

His wife Nancy J. never having been admitted to Cherokee citizenship, and never having married according to the laws of the Cherokee Nation, will be rejected, and his application for her enrollment will be refused.

W.P. Grayson first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he duly correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[signature]

Subscribed and sworn to before me this December 7, 1907.

[signature]

Commissioner.

R.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, October 8th, 1908.

In the matter of the application of Nancy J. Hail for the enrollment of herself as a citizen by intermarriage of the Cherokee Nation.

Supplemental to R-469.

JAMES M. HAIL, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. James M. Hail.
Q. What is your post office? A. Welch.
Q. Are you a Cherokee by blood? A. Yes, sir.
Q. How long have you lived in the Cherokee Nation? A. I moved into the Cherokee Nation in '84.
Q. You were admitted in '84, weren't you? A. No, sir; I was admitted, I reckon, in '86 or '7. I don't know exactly now.
Q. You were residing in the Cherokee Nation at the time you were admitted? A. Yes, sir.
Q. Were you married at the time you were admitted? A. Yes, sir.
Q. What was the name of your wife? A. Nancy J.
Q. That is your present wife? A. Yes, sir.
Q. The only wife you ever had, is it? A. Yes, sir.
Q. Was Nancy J. ever married before she married you?
A. No, sir.
Q. You were married in the states? A. Yes, sir.
Q. Did you file with this Commission a certificate of your marriage? A. Yes, sir.
Q. Your wife wasn't named in the decree admitting you to citizenship? A. I don't think she was. I wouldn't be positive but then I don't think she was.
Q. Has she been living with you in the Cherokee Nation ever since you came here? A. Yes, sir.
Q. Were you living together on the first day of September, 1902.
A. Yes, sir.
Q. You have got some children, haven't you? A. Yes, sir.
Q. All living? A. No, sir; there is one dead. It was born—I have a statement of it here; of its birth and of its death. I have six children living at home and two married.
Q. Was this child enrolled by this Commission? A. Yes, sir; I think so.
Q. Did you make application for it? A. Yes, sir.
Q. When did [illegible] die? A. It died May 20th, 1906.
Q. What was the name of that child? A. George Lincoln.

-!-

James O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the above entitled case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

James O. Carr.

Subscribed and sworn to before me this 26th day of November, 1908.

B. Jones
Notary Public.

E C N

COPY.

Cherokee 10944.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of NANCY J. HAIL as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Tahlequah, Indian Territory, December 7th, 1900, application was received by the Commission to the Five Civilized Tribes for the enrollment of Nancy J. Hail as a citizen by intermarriage of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, October 8th, 1902 and January 2nd, 1907.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Nancy J. Hail, is a white woman and neither claims nor possesses any right to enrollment as a citizen of the Cherokee Nation other than such right as she may have acquired by virtue of her marriage to one James Monroe Hail in the State of Tennessee on the 15th day of January, 1875; that the said James Monroe Hail was not at the time of said marriage a recognized citizen by blood of the Cherokee Nation and did not become a citizen of said Nation until his admission to citizenship therein by the duly constituted authorities of said Nation about the year 1884. Said applicant did not, therefore, marry in accordance with Cherokee law a citizen of the Cherokee Nation prior to November 1st, 1875. Neither the said applicant, Nancy J. Hail, nor her husband, the said James Monroe Hail can be identified on the Cherokee authenticated tribal roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States dated November 5th, 1906 in the cases of Daniel Red Bird, et al. vs. the United States, Nos. 125, 126, 127 and 128, the said applicant, Nancy J. Hail is not entitled, under the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stats. 495), to enrollment as a citizen by intermarriage of the Cherokee Nation, and her application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby,

COMMISSIONER.

Dated at Muskogee, Indian Territory,

this JAN 3 .

REFER IN REPLY TO THE FOLLOWING
[illegible] 10044

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 30, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 30, 1907, rejecting the application for the enrollment of Nancy J. Hall as a citizen by intermarriage of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as this office is informed of the same.

Respectfully,

Commissioner.

Encl.H-30
JEM

-Copy-

DEPARTMENT OF THE INTERIOR,

Land
11146-1907 OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commissioner to the Five Civilized Tribes, dated January 30, 1907, transmitting the record relative to the application of Nancy J. Hail for enrollment as a citizen by intermarriage of the Cherokee Nation.

On December 7, 1906, application was made to the Commission to the Five Civilized Tribes for the enrollment of Nancy J. Hail as a citizen by intermarriage.

On January 30, 1907, the Commissioner held that the applicant was not entitled to enrollment.

The record shows that the applicant is a white woman who claims the right to be enrolled as a citizen by intermarriage of the Cherokee Nation by reason of her marriage on January 15, 1878 to James M. Hail, who was not admitted as a citizen by blood of that Nation until 1886.

It is considered that the applicant did not marry a citizen by blood of the Cherokee Nation prior to November 1, 1875.

In accordance with the decision of the Supreme Court of the United States in the case of Daniel Red Bird, et al., vs. the United States, the decision of the Commissioner adverse to the applicant is recommended for approval.

Very respectfully,

E.R.D.-M.

C. F. Larrabee
Acting Commissioner.

D.C.[illegible]-1907. [illegible]

[illegible] TO THE SECRETARY, [illegible]

[illegible]

[illegible]

March 2, 1907.

E.T.R. [illegible]

Sir:

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Your decisions in the following Cherokee citizenship cases, adverse to the applicants, are hereby affirmed. Copies of Indian Office letters submitting your reports and recommending that the decisions be affirmed are inclosed:

Title of case.	Date of your letter of transmittal.
Nancy A. Wright et al.	November [illegible], 1906
James H. Wilkerson et al.	January 7, 1907
Joseph H. Smallwood et al.	January 4, 1907
Mary J. Rogers (intermarried)	February 1, 1907
George W. Carrington et al.	October 12, 1906
William T. Richards (intermarried)	February 2, 1907
Virginia Franklin (intermarried)	February 2, 1907
Harriet Hubbard (intermarried)	February 2, 1907
Clara Rose and Coleman L. Abbott	January [illegible], 1907
Henry Ward Chandler	January 17, 1907
Nancy J. Hall (intermarried)	January 30, 1907
Malinda Ford (intermarried)	January 30, 1907
Ann Jones (intermarried)	January 30, 1907
Martha May Martin	February [illegible], 1907

Name of [illegible]	Date of [illegible]
[illegible]	February 14, 1907
Gilbert H. Loftin	February 1, 1907
Sarah Jane Reeder	February 14, 1907
George Williams	February 14, 1907
Mary E. Tolsey ([illegible])	February 1, 1907
Robert J. and Ann Cornish Jewell	February 12, 1907
Joseph H. Cooper	December 28, 1906
William Oscar Yarbro et ux	December 30, 1906
Edward Reynold Weeks (trustee)	February 11, 1907
Albert and Goldie Edwards	February 11, 1907
Edward Lewis	February 6, 1907
Lucid Henry Lewis	February 6, 1907

A copy hereof and all the papers in the aforementioned [illegible] have been sent to the Indian Office.

Respectfully,

(Signed) Frank E. Wilson,
Assistant Secretary.

To Commissioner,

Indian Office.

[illegible]

REFER IN REPLY TO THE FOLLOWING:
Cherokee
10066.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 13, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 30, 1907, rejecting the application for the enrollment of Nancy J. Hail, as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, March 1, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.C-90
LMC

Cher R 470

Cher R 470

REJECTED, as to Applicant:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1900.

In the matter of the application of Charley Nicholas Mitchell for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Mitchell being sworn and examined by Commissioner Breckinridge, testifi ed as follows:

Q Give me your full name? A Charley Nicholas Mitchell.
Q How old are you? A 28.
Q What is your post office? A Locust Grove.
Q In what district do you live? A Saline.
Q Who is it you want to have put on the roll, just yourself or have you a family? A Family.
Q Have you a wife? A Yes, sir.
Q How manychildren have you? A Two.
Q Are you a Cherokee by blood? A No, sir.
Q White man? A Yes, sir.
Q Is your wife a Cherokee by blood? A Yes, sir.
Q What was your wife's name when you married her? A Susie Ross.

Com'r:--The applicant presents a license issued by the Clerk of Saline district authorising his marriage to his wife, as stated by him on January 20, 1886. The certificate shows that they were united in marriage on the 20th day of January, 1896, and the endorsement shows that the document was admitted to record on the 24th day of January, 1896.

Q Now, you were married on January 20, 1896 were you? A Yes, sir. This is filed herewith.
Q Have you lived with your wife ever since you married her in 1896? A Yes, sir.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Your wife's full name at this time is Susan Mitchell? A Yes, sir.
Q How old is your wife? A 24 I believe.
Q Has she lived in the Cherokee Nation all her life? A Yes, sir.
Q Give me the name of her father? A Oliver Ross.
Q Is he alive? A No, sir.
Q Give me the name of her mother? A Elaina.
Q Is she alive? A Yes, sir.
Q Give me the name of your children? A Toy.
Q How old is that child? A Two years old.
Q The next chil? A Joe.
Q Joseph, how old is that child? A Eight months.

1880 Roll; page 660, #967, Susie Ross, Saline.
1896 Roll; page 209, #3095, Susie Mitchell, Coowescoowee.
1896 Roll; page 314, #639, Nick C. Mitchell, Coowescoowee.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and two children: His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She has lived in the Cherokee Nati on all her life. Her change of name is established by the marriage license and certificate filed herewith, and she will be listed now for enrollment as a Cherokee by blood. When certificates of the birth of her two children, Toy and Joseph Mitchell, are filed with the Commission, these children will also be listed for enrollment as Cherokees by blood.

The applicant is shown to have married his wife in accordance with Cherokee law in January 20, 1896. This is too late under the Cherokee law of December 16, 1895, to entitle him to enrollment as a result of this marriage, and the application for his own enrollment is rejected.

Charley E. Mitchell--S

J. D. Reason, being first duly sworn, states that as one stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Reason

Subscribed and sworn to before me this 10th day of December, 1900.

C. M. Rheem

Commissioner.

NATIONAL ARCHIVES
WASHINGTON
NATIONAL ARCHIVES
WASHINGTON

B. R. 470

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 7 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

28

Date December 7 1900.

Name Charles H. Mitchell Locust Grove, I.T.

District ..... Year ..... Page ..... No. .....

Citizen by blood No Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage 1896

License ..... Certificate .....

Wife's name .....

District Coowescoowee Year 1896 Page 314 No. 639

Citizen by blood Yes Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children:

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

on 1880 rolls as Nick C. Mitchell

Cherokee R-470

6

MARRIAGE LICENSE.

CHEROKEE NATION, I. T. SALINE DISTRICT.
TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE MARRIAGE--GREETING:

You are hereby authorized to join in the Holy Bonds of Matrimony C. N. Mitchel aged 20 years, a citizen of the United States and Miss Susan Ross aged 20 years, a citizen of the Cherokee Nation, according to the usual customs and laws of the Cherokee Nation, and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a certificate of same appended thereto and signed by you.

Given under my hand and seal of Office this the 20th day of January A. D. 1896.

(Signed) J. M. Ross.
(SEAL) Clerk Saline District.

Cherokee Nation, I. T.
Saline District.

I, J. M. Ross a Dist Clerk, hereby certify that on the 20th day of January, 1896, I joined in Marriage Mr. C. N. Mitchell aged 23 years a citizen of the United States and Miss Susan Ross aged 20 years a citizen of the Cherokee Nation, agreeable to the authority given in the within License and the customs and laws of the Cherokee Nation.

Given under my hand this 20th day of January A. D. 1896.

(Signed) J. M. Ross.
Clerk S. D. C. N.

Recorded this the 24th day of Jan. A. D. 1896.

Signed) J. M. Ross,
Clerk S. D. C. N.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. August 18, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of C. N. Mitchel as a citizen of the Cherokee Nation.

Commissioner.

D

R470

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Charles N. Mitchell, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy, it is entitled Charles N. Mitchell, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. N 470

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902

Charles E. Mitchell,

Locust Grove, Indian Territory.

SIR:

On the 7th day of December, 1900, you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the [redacted] day of [redacted], 190..., to one [redacted] a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted], T. B. Needles.

[redacted].

Commissioner in Charge.

Enclosure.

Register.

Gentlemen:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
APR 24 1902
Acting Chairman

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2115-1902
D. C. 6286-1902

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Charles N. Mitchell, R 470, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. D. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1850-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 650 to sec. 669, inclusive, pages 330, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended so as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR [illegible] 1902

ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 2 3 1902

ACTING CHAIRMAN.

Cherokee R-470

Muskogee, Indian Territory, April 17, 1902.

Mr. Charles W. Mitchell,

Locust Grove, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-470.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Charles M. Mitchell, Cherokee No. R 470, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R. 478.

Muskogee, Indian Territory, August 18, 1902.

Charley W. Mitchell,

Locust Grove, Indian Territory.

Sir:

When you applied to this Commission for enrollment as a citizen of the Cherokee Nation, you filed with your application a marriage license and certificate showing your marriage on January 20, 1898, to Miss Susan Ross.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-38.

Cher R 471

Cher R 471

ENROLLMENT AS THE APPLICANT'S HUSBAND, ROBERT F. WALKER.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 7th, 1906.

2.

IN THE MATTER OF THE APPLICATION OF Ida Walker for the enrollment of herself, husband and children as citizens of the Cherokee Nation, and she being sworn and examined by Commissioner, T. B. Needles, testified as follows:

Q What is your name? A Ida Walker.
Q Any middle name? A Tennessee.
Q How old are you? A Twenty one.
Q What is your Postoffice address? A Welch.
Q What district do you live in? A Tennessee.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Whom do you want to enroll; any one besides yourself?
A Yes sir, two children.
Q What are the names of your children? A James L.
Q How old is James L.? A He is three years old.
Q What is the name of the next one? A Eddie R.
Q How old is she? A She is fifteen months old.
Q Are you married? A Yes sir.
Q What is your husband's name? A R. F. Walker.
Q What was your name before you were married? A Ida Hail.
Q What is your father's name? A J. M. Hail.
Q Is he living? A Yes sir.
Q What is your mother's name? A Nancy J. Hail.
Q Is she living? A Yes sir.
Q Is she a citizen by blood? A No sir.
Q Is your father a citizen by blood? A Yes sir.

(1896 Roll, Page 1269, #9749, Ida T. Walker, Tahlequah D'st)
(1896 Roll, Page 1292, #9866, Robert Walker, Tahlequah D'st)

Q You do not apply for your husband; or do you? A Yes sir.
Q Is he here? A No sir, not here: We were married in 1896.
Q Have you a certificate of marriage? A Yes sir, I have a license.

Com'r. T. B. Needles: The applicant presents a duly authenticated marriage license, certifying that she was married to one, Robert Walker, a non citizen, according to the laws of the Cherokee Nation on the ~~[illegible]~~ 22nd day of April, 1896.

Q You were not married until 1896? A I thought it was 1898: I guess I was mistaken.
Q Your husband's full name is Robert F. Walker? A Yes sir.

Com'r. T. B. Needles: The name of Ida T. Walker appears upon the census roll of 1896: Her name is also found in the list of admitted and readmitted citizens as having been admitted by the Commission on Citizenship on May 23rd, 1897: The name of her husband, Robert F. Walker is found upon the census roll of 1896: Satisfactory proof of marriage is presented, certifying that he was married to to the said Ida T. Hail, in the year 1896, ~~the law~~ under the laws of the Cherokee Nation for an intermarried citizen to acquire any rights of citizenship: Consequently, the application of Ida T. Walker for the enrollment of her said husband, Robert F. Walker, is refused: He will be rejected.

The applicant avers that she has two children as a result of said marriage, and she presents satisfactory proof of birth of the elder child, James L.. For her younger child, Eddie R., one year of age, no proof of birth is presented: The said Ida T. Walker being identified as having been admitted to citizenship by the Commission on Citizenship on the 27th day of May, 1897, and her name being found upon the census roll of 1896, , she and her children, as enumerated

[illegible] T. [illegible] et al.

vs.

[illegible] will be duly listed for enrollment as [illegible] citizens by blood. It will be necessary for any to file proof as birth of [illegible] young children, [illegible] before her enrollment will be complete.

The undersigned, being sworn, states that he stenographically the testimony to the five Cherokee Tribes, he correctly recorded the testimony and proceedings in said case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of December, 1906.

Commissioner.

B R 471

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 7 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC - 7 1900 Kan.

Name Robert F. Walker Welch I.T.

District Tahlequah Year 1896 Page 1799 No. 299

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of married

License Certificate

Names of Children

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Registered married the late

Husband of Ida J. Walker Cherokee

Robert Walker

Robert Walker
Tahlequah
I.T.

C — R

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 7 1900

Acting Commissioner

FILED
SEP 2 1897

Secy

A. Crafton

2

To the Commission to the Five Civilized Tribes:-

I hereby apply for the enrollment of myself and family, by said Commission, under and by virtue of the authority vested in them by the acts of Congress of June 10. 1896 and June 7. 1897

My name is Robert Walker age 29

My present post office address Tahlequah I. T.

I am a citizen claimant I was married to Miss Ida Hale a citizen by blood on April 20th 1894 at Tahlequah I. T.

The members of my family are now as follows:-

Name	Sex	Age	Relationship
Robert Walker	male	29	husband
Ida Walker	female	18	wife
James H. Walker	male	6 mos	son

My wife is on the strip payment roll and also drew her transportation money.

Robert Walker

Sworn to and subscribed before me this 18th day of August 1899

[illegible]

COMMISSION EXPIRES FEBY. [illegible]

United States of America.
Indian Territory,
Northern District.

I hereby certify that I have this day delivered written copies of the within application for enrollment and evidence thereto attached, to Hon. S. W. Ross, Principal Chief of the Cherokee Nation, at Tahlequah, Ind. Ter. Dated this

Jos. S. Scraffern

Subscribed and sworn to before me this 1st day of Aug A. D. 1897.

O. M. Rasmus. Notary Public

MY COMMISSION EXPIRES FEBY. 1st 1901.

MARRIAGE LICENSE.

Cherokee Nation, Tahlequah District.

TO ANY PERSON LEGALLY AUTHORIZED TO SOLEMNIZE:

You are hereby authorized to join in the Holy Bonds of Matrimony and celebrate the rites and ceremonies of Marriage between Mr. Robert Walker a citizen of the United States, and Miss Ida Hale a citizen of the Cherokee Nation, and you are required to return this License to me for record within thirty days from the celebration of such marriage, with a certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office, this the 20th day of April 1896.

Seal.

T. W. Triplet,
Clerk Tahlequah District.
per Arch Spears, Deputy.

I, W. H. Sullivan, a M G do hereby certify that on 22 day of April 1896 I did duly and according to law as commanded in the foregoing License Solemnize the rite and publish the Banns of of matrimony bethen the parties therin named

Witness my hand this 22 day of April 1896

My credentials are recorded in Book A page 42450

W. H. Sullivan a M G

I hereby certify that I have this day recorded the above certificate of marriage on page 33, Record of Marriages in the office of Clerk of Tahlequah Dist. C. N.

This May 9th 1896.

Arch Spears,
Deputy Clk. T. D. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 11, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original, offered in evidence in the matter of the application for the enrollment of Robert E. Walker, et al., as Cherokee citizens. R 471.

Notta Stack

the Bonds of Matrimony between Mr. Robert Walker of Tahlequah in the Indian Territory, aged 27 years, and Miss Ida F. Hall, of Tahlequah in the Indian Territory, aged 17 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Tahlequah, this 20th day of April A. D. 1896.

Seal. James A. Winston,
Clerk of the U. S. Court.

By H. W. D. Shelton, Deputy.

CERTIFICATE OF MARRIAGE.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, W. H. Sullivan, a N C DO HEREBY CERTIFY, that on the 22 day of April A. D. 1896, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 22 day of April A. D. 1896.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 49450.

W. H. Sullivan
a N C

Certificate of Record.

United States of America,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed in my office the 11th day of Ju June, 1896, at .... M., and duly recorded in Book E, Marriage Record, Page 12E.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 12 day of June, A. D. 1896.

Jas. A. Winston, Clerk.
By..... Deputy.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 21, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Robert F. Walker, et al., as Cherokee citizens, R 472.

Witt Clerk

Submitted to the Clerk
FILED
MAR 4 1902
Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Robert F. Walker, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 471, it is entitled Robert F. Walker, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

[redacted]arge.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 471.

(COPY)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 471.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mr. Robert F. Walker,

Welch, Indian Territory.

Sir:

On the 7th day of December, 1901, your wife, Ida Walker, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the evidence in this case that you were married on the 5th day of April, 1896, to Ida Hail, a citizen by blood of the Cherokee Nation. You are identified on the Cherokee tribal roll of 1896, but your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage thereof.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

Register.
Inclosure.

[redacted].
Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 24 1902

ACTING CHAIRMAN

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2116-1902.
D. C. 6271-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R. 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Robert F. Walker, R 471, for enrollment as an intermarried Cherokee citizen, is her by rejected because he was married subsequent to the Cherokee law of December 16, 1890, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 661 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R M, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
Bel.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 1 1902

ACTING CHAIRMAN.

Cherokee R-471

Muskogee, Indian Territory, April,17, 1902.

Mr. Robert T. Walker,

Welch, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-471.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Robert F. Walker, Cherokee No. R 471, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-471.

Muskogee, Indian Territory, August 20,1908.

Ida T. Walker,

Welch, Indian Territory.

Madam:

When you applied to this Commission on September 2, 1897, for the enrollment of yourself and family as citizens of the Cherokee Nation, you filed with that application Cherokee marriage license and certificate showing your marriage on April 20, 1896, to Robert Walker; also U. S., marriage license and certificate showing your marriage on April 22, 1896, to Robert Walker. Later when you applied to this Commission on December 7, 1900, for the enrollment of your husband, Robert F. Walker, as a citizen of the Cherokee Nation, both the U. S., marriage license and certificate and the Cherokee marriage license and certificate were transferred to that application.

The same are now herewith returned to you, copies having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure,
R- 37.

Cher R 412

Cher R 472

REJECTED, as to wife, Delpha.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 8, 1900.

In the matter of the application of William Penn Alberty for the enrollment of himself, wife and one child as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A William Penn Alberty.
Q How old are you? A 13th of next February I will be 26 years old
Q What is your post-office? A Westville.
Q In what district do you live? A Goingsnake.
Q Who is it you want to enroll? A Myself and one child.
Q Are you a Cherokee by blood? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir
Q Give me the name of your father? A J.W. Alberty.
Q Is he dead? A No sir, he is alive.
Q Give me the name of your mother? A Mariah Alberty.
Q Is she dead? A Yes sir.
Q Give me the name of your child? A Beulah Alberty.
Q How old is the child? A It will be 7 weeks old Sunday.
Q What is the name of this child's mother? A Delpha Alberty.
Q When did you marry her, have you a certificate of marriage?
A Yes sir (Produces certificate)
Com'r: The applicant presents a license issued by the Clerk of Washington County Arkansas, March 1st, 1900, authorizing marriage between himself and Mss Delphia Roller; the certificate shows they were married on the 4th day of the same month and year, by the Rev. S.J. Odom: this is filed herewith.
Q Has your wife lived with you ever since you and she were married? A Yes sir.
Q You had better apply for her; we cannot enroll her but let her be on record with the balance of the family.? A All right.
Q That suit you? A Yes sir.
Q That is the license and certificate of your marriage is it?
A Yes sir.
1880 roll page 404 #36 Wm Alberty Goingsnake native Cherokee
1896 roll page 720 #53 William P. Alberty Goingsnake
Q You were never married except to this wife? A No sir.
Q And she was never married except to you? A No sir.

The applicant applies for the enrollment of himself, his wife and one child; he is identified on the rolls of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood; he is shown to have been lawfully married to his wife in March 1900; the license and certificate are filed herewith; she is a white woman; she has lived with him ever since their marriage, but their marriage is too late under the Cherokee law of December 16 1895 to entitle her to enrollment as a Cherokee citizen, and therefore the application for her enrollment is rejected;

The child Beulah is stated to be 7 weeks old; when the Commission is supplied with a proper certificate of the birth of this child it will be listed for enrollment as a Cherokee by blood.

--- --- --- --- ---

M.D. GREEN, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case & that the foregoing is a true & complete transcript of his stenographic notes thereof. M.D. Green

Subscribed and sworn to before me this December 16, 1900.

Commissioner.

03
R472

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 8 1900

ACTING CHAIRMAN

Statement of Applicant Taken After Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC - 8 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Delpha Albertsy

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Denied

Marriage License

State of Arkansas,

County of Washington.

To any Person Authorized by law to Solemnize Marriage Greeting:

You are hereby commanded to solemnize the rite and publish the bans of Matrimony between Mr. William Alberty of Westville I. T. aged 25 years, and Miss Delphia Roller of Clyde in the County of Washington and State of Arkansas aged 19 years, according to law, and do you officially sign and return this License to the parties herein named.

Witness my hand and official seal this 1st day of March 1900

Seal.

Bruce Holcomb
County Clerk.
.....
D. C.

Certificate of Marriage.

State of Ind Ter.)
Northern Dist.)
County of.....)

I, Rev. S. J. Odom do hereby certify that on the fourth day of March 1900 I did duly and according to law as commanded in the foregoing License, solemnize the rite and publish the bans of Matrimony between the parties therein named.

Witness my hand this fifth day of March 1900

My Credentials are recorded in Recorder's Office, Muscogee, I. T. County Ark. Book B Page 20

S. J. Odom.

Certificate of Record.

State of Arkansas,)
County of Washington)

I, Bruce Holcomb Clerk of the County Court of said County, certify that the above License for and Certificate of the Marriage of Mr. Wm Alberty and Miss Delphia Roller was filed in my office on the 7th day of March 1900, and the same is duly recorded on page 261 of Book L of Marriage Records.

Witness my hand and the seal of said Court this 16th day of March 1900

Bruce Holcomb, Clerk.
By.....D.C.

Marriage Certificate.

Mr. Wm. Alberty to Miss Delphia Roller. Recorded, Book L Page 261. Returned and filed this 7th day of March 1900.

Bruce Holcomb, Clerk.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Delpha Alberty as a Cherokee citizen. R 472.

Pettie L. Brick

LD R442

Commission to the Five Civilized Tribes

FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Delpha Alberty, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-two, it is entitled Delpha Alberty, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(61)

CHEROKEE CASE No. R. 478.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902

Delpha Alberty,

Westville, I. T.

Madam:

On the 8th day of December 1900,

your husband, William Penn Alberty,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 4th day of March, 1908, to one William Pope Alberty, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

Inclosure.

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902
ACTING CHAIRMAN.

L. R. S. E. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1896-1902.
D. C. 6274-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Delpha Alberty, R 472, for enrollment in said nation as an intermarried citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902

ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 2 6 1902

ACTING CHAIRMAN.

Cherokee R-472

Muskogee, Indian Territory, April 17, 1902.

Delpha Alberty,

Westville, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BROKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-472.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. V. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Eulalia Alberty, Cherokee No R 472, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee N-472.

Muskogee, Indian Territory, August 20,1902.

William P. Alberty,

Westville, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of Delpha Alberty as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on March 4, 1899, to Miss Delpha Rollen.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure.
D-41.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 14 1902

Received of the Commission to the Five Civilized Tribes one copy of the Cherokee consent of
not protest of its decision rendered FEB 14 1902 in the matter of the enrollment
of Lavina Gilbert
Cherokee Nation

Cherokee No. R472

Attorney for Cherokee Nation

Chest R 173

Testimony of the Intervenor,
Commission of the Five Civilized Tribes.
Tahlequah, I. T., June 27, 1902.

In the matter of the application of Margaret A. Stewart for the enrollment of herself, husband and children as Cherokee citizens; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q. Give me your full name. A. Margaret A. Stewart.
Q. How old are you? A. In next birthday.
Q. What is your postoffice? A. Tahlonah.
Q. What district do you live in? A. Cooweescoowee.
Q. Who is it you want to enroll; yourself and family? A. Yes sir.
Q. Have you a husband? A. Yes sir.
Q. How many children have you? A. Two.
Q. Are you a Cherokee by blood? A. Yes sir.
Q. Is your husband a Cherokee by blood? A. No sir.
Q. White man? A. Yes sir.
Q. Have you lived in the Cherokee Nation all your life? A. No sir.
Q. How long have you lived in the Nation? A. I don't know that I can tell you exact?.
Q. Where were you born? A. In Tennessee.
Q. Do you know when you came here? A. I can't remember.
Q. You came when you were very small? A. Yes sir.
Q. Give me the name of your father. A. James Hale.
Q. Is he living? A. Yes sir.
Q. Give me the name of your mother. A. Mary J.
Q. Is she living? A. Yes sir.
Q. When were you married? A. I was married in 1883, I reckon.
Q. Have you your marriage license and certificate? A. I haven't got them with me.
Q. Where are they? A. At home.
Q. In what year do you think you were married? A. I think it was in 1883. I won't be certain now.
Q. Give me the name of your husband. A. Washington W. Stewart.
Q. How old is he? A. He's about 50 I guess.
Q. Where is he at this time? A. He's at home.
Q. Why didn't he come with you? A. He couldn't. He didn't think there was very much use in coming. He didn't think he could enroll.
Q. He was married to you under a Cherokee license? A. Yes sir. He had both United States and Cherokee license.
Q. Has he lived with you ever since he married you? A. Yes sir.
Q. Were you ever married except to him? A. Yes sir.
Q. How many times were you married before you married your present husband? A. Just once.
Q. Was that husband dead when you married this husband? A. Yes sir.
Q. What was the name of your first husband? Allen Hutchins.
Q. Was he a white man or Cherokee? A. Cherokee.
Q. Have you any children alive by that husband? A. No sir.
Q. Was this husband ever married before he married you? A. Yes sir.
Q. How many times was he married before he married you? A. Just once.
Q. Was that wife dead when he married you? A. No sir.
Q. Was he divorced from her? A. Yes sir.
Q. Have you a copy of the decree of divorce? A. Yes sir.
Q. Where is it? A. At home.
Q. What was the name of his first wife? A. Cherokee.
Q. What was her name when he married her? A. Cherokee, in her language.
Q. What is her other name? A. I am trying to think of it; I don't remember the balance of the name.
Q. And you say your husband was divorced from her before he married you? A. Yes sir.
Q. He had only been married once before he married you? A. Yes sir.
Q. Do you know whether your father or mother was enrolled as Cherokees by the Cherokee Commission or Council? A. I couldn't [illegible]

Mr. Hale.

Q Did you ever hear 161 what is there about that? A I have seen his certificate.
Q Where is the certificate? A I don't reckon he's got it with him.
Q Give me the name of your children. A James A.
Q How old is that child? A He will be three years old next April.
Q Give me the name of the next child? A Jesse W.
Q How old is that child? A Ten months old.
Q Your father's name is James H. Hale, isn't it? A Yes sir.

Witness, James H. Hale, being sworn, testified-
Q Give me your name. A James H. Hale.
Q Give me your age. A 64.
Q What is your postoffice? A Welch, I.T.
Q How long have you lived in the Cherokee Nation? A Ever since '54.
Q You were admitted to citizenship were you by the Cherokee court on citizenship? A Yes sir.
Q In what year were you admitted? A I,suppose as well as I remember in 1896, something near there.
Q Lived here ever since? A Yes sir.
Q Give me the name of your wife? A Nancy J.
Q Was you married to her at the time you were admitted? A Yes sir.
Q Were you ever married except to her? A No sir.
Q She's still living with you, is she? A Yes sir.
Q You know this applicant here, Margaret A. Stewart? A Yes sir, she's a daughter of mine.
Q Was she living at the time you were admitted? A Yes sir.
Q What is the name of her husband? A Dash W. Stewart.
Q She's never been married except to him? A She was married before.
Q Her former husband was dead when she married this husband? A Yes sir.
Q She was admitted the same time you were? A Yes sir.

Applicant [illegible] — I think I made a mistake in giving in my testimony. I was married in 1886 instead of 1885.
1886 roll page 1886, Fosso, Margaret A. Hobbins, Tahlequah District.

Witness, Continued-
Q What was the name of your daughter's first husband ? A Alex. Hopkins.
Q She was a Hobbins in 1886? A Yes sir.

Examination Cross-Examination-
The applicant applies for the enrollment of herself, her husband, and two children. She states that she was admitted to citizenship by the Cherokee Commission on Citizenship in 1896 or 1897 with her father, and other members of the family, and that she has lived in the Cherokee Nation ever since. She is not able to present at this time official evidence of her admission to citizenship, but she is identified on the roll of 1896. The testimony in hand was satisfactorily explained by her own and her father's testimony. She will now be listed for enrollment as a Cherokee by blood on a doubtful card to await official evidence of her admission to citizenship. She states that she and her present husband were married in 1890, and that they were married under Cherokee law. The fact of their marriage is established by her own and her father's testimony, but she is unable at this time to produce the

license and certificate. In any event, her husband would not be entitled to enrollment as he married since December 16, 1895, the date of the Cherokee law prohibiting the further acquirement of citizenship by intermarriage. The application for the enrollment of her husband is rejected. Who she presents certificates of birth of her two children, James A., and John W., these children will be listed for enrollment as Cherokees by blood upon a doubtful roll to await official evidence of their mother's admission. She is directed to supply the Commission with an official copy of the records of the Cherokee Commission on Citizenship, proving her admission and also to supply the Commission with the license and certificate of her last husband's marriage, which she states she has in her possession at home.

E.B. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. B. Rothenberger,

Subscribed and sworn to before me this 10th day of December, 1900.

Commissioner.

R473

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 8 1900

ACTING CHAIRMAN.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(28)

Date DEC - 1900 1900.

Name Washington W. Stewart

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Wife's name .....

District ..... Year ..... Page ..... No. .....

Citizen by blood ..... Mother's citizenship .....

Intermarried citizen .....

Married under what law ..... Date of marriage .....

License ..... Certificate .....

Names of Children

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

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Dist. ..... Year ..... Page ..... No. ..... Age .....

Dist. ..... Year ..... Page ..... No. ..... Age .....

Rejected

R 47

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902

ACTING COMMISSIONER

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Washington W. Stewart, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-three, it is entitled Washington W. Stewart, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 enclosure.

(COPY)

Commission

Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge,

Alexander L. Spaulding,
Secretary.

Commission case No. [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1908.

Washington E. Stewart,

Vinita, Indian Territory.

Sir:

On the 9th day of December, 1907, your wife, Margaret A. Stewart,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married [redacted] in [redacted] 1894, 190..., to one [redacted], alleged to be a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

Inclosure.

Register.

By (Signed) [redacted] T. B. Needles.

[redacted]

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
ENROLLED
1902

ACTING CHAIRMAN

L. R. S. F. S. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2117-1902.
D. C. 6255-1902.

April 3, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried Cherokee citizen, you are advised that the application of Washington W. Stewart, R 473, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

-2-

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

D[illegible] [illegible],
COMMISSION TO T[illegible] [illegible]IZED TRIBES

MAILED

[illegible] 2 - 1902

ACTING CHAIRMAN.

Cherokee R-476.

Muskogee, Indian Territory, April 17, 1908

Washington W. Stewart,

Wagoner, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Registor.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-473.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Washington W. Stewart, Cherokee No. R 473, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 414

Cher R 474

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 10, 1900.

In the matter of the application of James Davis for the enrollment of himself, wife and children as Cherokee citizens; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A James Davis.
Q How old are you? A 34 years old.
Q What is your postoffice? A Muskogee.
Q What district do you live in? A Canadian district
Q Who is it you want to enroll; yourself and family? A Yes sir.
Q Have you a wife? A Yes sir.
Q How many children have you? A Two.
Q Are you a Cherokee by blood? A Yes sir.
Q Full blood; not quite? A No sir.
Q Your wife a Cherokee by blood? A No sir.
Q What is she? A She's a white woman.
Q How long have you lived in the Cherokee Nation? A Lived in the Cherokee Nation all my life.
Q Give me the name of your father. A John Davis.
Q Is he dead? A No sir.
Q Give me the name of your mother. A Annie Schooner.
Q Is she dead? A Yes sir.
Q Give me the name of your wife. A Emma Davis.
Q How old is she? A She's 21.
Q What was her name when you married her? A Stevens.
Q Was that her maiden name? A Yes sir.
Q When did you marry her? A '96, 23rd of December.
Q Have you a certificate of marriage? A Yes sir.
The applicant presents a certificate from the district judge of Canadian district under date of Dec. 23, 1895, showing that the applicant and his wife were united in marriage on that day. This is filed herewith.
Q Has your wife lived with you ever since she married you? A Yes sir.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.
Q Give me the names of your children. A Laura.
Q How old is that child? A Four years old.
Q Next child? A Allie.
Q How old is Allie? A She's a year old past..
Q These children both living are they? A Yes sir.
1880 roll; page 13, #313, James Davis, Canadian district.
1896 roll; page 20, #558, James Davis, Canadian district
1896 roll; page 20, #559, Laura Davis, Canadian district

Commissioner Breckinridge-
The applicant applies for the enrollment of himself, his wife, and two children. He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood. His wife is a white woman. He is shown to have married her on Dec. 23, 1895. She is not identified on the roll of 1896, but the marriage is satisfactory established, and the applicant states that neither was previously married. The application for her enrollment is rejected, as it is after the Cherokee law of Dec. 16, 1896, prohibiting the acquirement of citizenship by intermarriage. The child, Laura, is identified on the roll of 1896 as an infant. It is now living, and will be listed for enrollment as a Cherokee by blood. When a certificate of birth of the younger child, Allie, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

R474

[illegible]MENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 10 1900

[illegible] ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 10 1900 1900.

Name Minerva Ent-Ty

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License (21) Certificate

Wife's name Emma Davis

District ~~Year 1846 Page~~ No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected - married after the Act - approved March 16th 1896

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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	Dist.	Year	Page	No.	Age

X Ref to 6361

R 11711

Commission to the Five Civilized Tribes

FILED

MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Emma Davis, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-four, it is entitled Emma Davis, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

James Davis,
Muskogee, Indian Territory.

Sir:

On the 18th day of December, 1902,

your husband, James Davis,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission hereinbefore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 639 to Sec. 649, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that YOU WERE married on the 22d day of December, 1896, to one James Davis, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By [signature]

Commissioner in Charge.

Enc.C.R.474
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

1

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *in the matter of the application of* Emma Davis *for enrollment as* a citizen *of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 474.

L. R. S. F. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2118-1902.
D. C. 6234-1902

April 3, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Emma Davis, R 474, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D. L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 8981-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

COMMISSION [illegible] TRIBES

[illegible]

[illegible] TING CHAIRMAN

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R Zl, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSIONER

Cherokee R-474

Muskogee, Indian Territory, April 17, 1902.

Emma Davis,

Muskogee, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee B-474

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1908.

Emma Davis,

Muskogee, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen ofthe Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-474.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Emma Davis, Cherokee No. R 474 for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Chen R 475

Department of the Interior,
Commission to the Five Civilized Tribes
Tahlequah, I. T. December, 16th 1902.

In the matter of the application of Lillie Hood for the enrollment of herself and two children as Cherokee citizens. She being sworn ~~[illegible]~~ ~~[illegible]~~ before Commissioner Breckinridge, testified as follows-

Q What is your name? A. Lillie Hood.
Q How old are you? A. 35.
Q What is your post office address? A. Fogan.
Q What district do you live in? A. Tahlequah.
Q Who is it that you want to have enrolled? A. Myself and two children.
Q Dont apply for your husband? A. No sir he is dead.
Q Are you a Cherokee by blood? A. No sir, a white woman.
Q Have you a certificate of marriage? A. No sir.
Q What was your maiden name? A. Lillie E. Timmons.

The applicant presents a license issued by the Clerk of the First Judicial District of the Indian Territory, United States Court, dated October 15th 1891, authorizing marriage between herself and husband as stated by her. The certificate shows that they were united in marriage on the 28th day of the same month and within the same year by the Rev. W. J. Hill. This document is filed herewith.

Q Do you want your name put down as Lillie E. Hood? A. No sir just as Lillie Hood.
Q What was your husband's name? A. James Hood.
Q Was he a Cherokee by blood? A. Yes sir.
Q When did he die? A. In 1894.
Q How old was he when he died? A. About 22 or 23
Q Were you ever married except to him? A. Yes sir, since his death
Q You were never married before? A. No sir.
Q Was he ever married except to you? A. No sir.
Q Did he live in the Cherokee Nation all his life? A. Yes sir.
Q What was the name of his father? A. Dave Hood.
Q Is he living? A. No sir.
Q Give me the name of his mother? A. Rebecca.
Q Is she living? A. Yes sir.
Q To whom have you married since James Hood died? A. E. B. Baker.
Q Is he a white man? A. Yes sir.
Q When did you marry him? A. 1899.
Q you and your former husband were seperated? A. Yes sir, I we seperated in March of 1894 and he was killed in November.
Q Are you living with Baker now? A. No sir.
Q Is he dead? A. ~~[illegible]~~ No sir.
Q Are you seperated from him? A. Yes sir.
Q. And you have resumed the name of Hood? A. Yes sir.
Q You have not married since the seperation from Baker? A. No sir.
Q What are the names of your children? A. William David Hood
Q How old is that ch ld? A. 8 years
Q Next Child. Bessie Lee Hood.
Q How old? A. 6 years
Q Are these children both living now A. Yes sir.

1880 roll,	Page 28	No 720,	James Hood,	Cherokee.
1896	30	187	Lillie Hood	"
1896	31	840	William Hood	"
1896	31	841	Bessie L. Hood	"

~~The applicant filed her roll in behalf of herself and two children~~

Lillie Reed

The applicant applies for the enrollment of herself and two children. She is identified on the roll of 1880 as an adopted Cherokee, she being a white woman. She files a marriage license and certificate of marriage showing that she was married to her deceased Cherokee husband on Oct. 25th 1881. Neither was previously married. She states that ~~[illegible]~~ her husband lived in the Cherokee Nation all his life; that they lived together continuously until March 1894 when they separated and that he died the succeeding fall. Her deceased husband is identified on the roll of 1880. The applicant, however, has married since the death of her Cherokee husband, one W. B. Baker, a white man, from whom, however, she states she has separated and she has taken the name of her former husband, but by her marriage to Baker in 1900 she lost her rights to Cherokee citizenship under the Cherokee law of 1895 and therefore her own application will be rejected. She states that she had two children by her first husband, named William R. Reed and Bessie Lee Reed, and they are identified on the roll of 1880, they are living and will be listed here for enrollment as Cherokees by blood.

Chas von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 14th of December, 1900.

Commissioner.

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION

Date DEC 10 1900 1900.

Name Chuyas Smith

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Lillie Hood

District CANADIAN. Year 1896 Page 88 No. 127

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children: Reputed — married out

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

on 1896 roll as Lillie Hood

X Ref to 6381

(R 11975

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
Acting Commissioner

COPY.

Muskogee, Indian Territory, February 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Lillie Hood, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 475, it is entitled Lillie Hood, and is known as a Cherokee rejected application.

Respectfully,

SIGNED T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.475.

ans

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROOKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 475.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Lillie Hood,

Peggs, Indian Territory.

Madam:

On the 10th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white woman; that you were married on the 25th day of October, 1891, to James Hood, a citizen by blood of the Cherokee Nation. You testify that the said James Hood died in 1894 and that since then you married E. B. Baker, a white man. You further testify that you have separated from your said husband Baker, and that you have resumed the name of Hood. It appears that you are identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found

on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease."

In view of the facts herein it would appear that under the foregoing provisions of the Cherokee law you have forfeited by your marriage to E. B. Baker, a white man, since the death of your Cherokee husband, all such rights as you may have acquired by your for-

mer marriage, and it is considered that you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

By (Signed) [redacted]

[redacted]

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 14 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 14 1902 *, in the matter of the application of* Lillie E Wood *for enrollment as citizen of the Cherokee Nation.*

H. D. Hastings
Attorney for Cherokee Nation.

Cherokee No. R-475

J. C. W.

[illegible]

Refer in reply to the following
Land,
11468—1906,
11785—1906,
11930—1906,
11771—1906,

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 12, 1906.

The Honorable,
The Secretary of the Interior.

SIR:

Referring to office report of even date transmitting the records relative to the qualification for enrollment as citizens of the Cherokee Nation, there is enclosed, herewith, the record relative to 37 applicants for enrollment as citizens of said nation.

These applicants claim that they are entitled to enrollment as citizens by intermarriage. The Commission forwarded the records in each case with a separate report and said reports are also enclosed, herewith. The names of the applicants are as follows:

Number	Name	Number	Name
59	Adeline Abel	98	Alfred B. V. Stewart
62	Martha A. Ambrose	99	Robert E. Burns
63	Ora Hall	100	Louis Holden
66	Robert L. Campbell et al	[illegible]	David Cobb
84	Andrew J. Donahue et al	[illegible]	Joseph H. Byrd
87	Charles A. Barnett et al	[illegible]	Mary Waters
89	William A. Hall	[illegible]	[illegible]
111	Blanche Williams	[illegible]	[illegible]
[illegible]	George H. Hall	[illegible]	[illegible]
[illegible]	Robert Blake, et al	[illegible]	[illegible]

Number	Name	Number	Name.
168	George H. Warren	166	William R. Stuart
178	George W. Gibbons	240	Frank Gordon
241	John Hunt	251	John T. Rice
254	Enos W. Parsons	258	Richard E. Carrington
264	Lambert T. Kinlaed	270	Ben Hall
273	Elizabeth Hall	295	William B. Wallace, Sr.
324	Silas T. Busby	367	Cornelius Youngblood
382	Edith Evans	423	Joseph A. Prather
425	Emily O. Hensley	430	Mary A. Jones
456	John T. Stevenson	458	Frank M. Garrison
467	Samuel T. Carpenter	475	Lillie Heed
485	Ed Gwartney	523	William J. Hawkins
544	Samuel M. Sweeten	559	Mary S. Armstrong
623	Malinda Latham		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) declares:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the claims of all other persons whose names are found on any other roll

[illegible] shall not [illegible] in any here [illegible] places [illegible] by [illegible] of [illegible] community [illegible], [illegible] only such as may have legal [illegible] [illegible] [illegible] [illegible] since [illegible] relin [illegible] [illegible] [illegible] [illegible]

12668. F.

L.R.S. S.P.

Department of the Interior,

Washington,

I.T.D. 1200-1902. March 28, 1902
D.C. 5508-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Lillie Reed, R 478, is rejected, as held by you in your decision of February 14, 1902, because she forfeited her right to enrollment by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.
E.M.D.

[illegible]

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I. T. L. [illegible]. March 20, 1903.

Commissioner to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 14, 1903, you transmitted the report in the matter of the application for enrollment of Adaline Hall as a Cherokee citizen by intermarriage, &c.

It appears that the applicant's name is on the 1896 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1888; that she married a nonciticen of the Cherokee Nation in 1894, and this husband having died, she married in 1902 another nonciticen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that such contracts shall cease "such intermarried white persons as may be entitled to citizenship under Cherokee laws," notwithstanding the application of the Cherokee law of October 24, 1890 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

"Sec. 186. Should any man or woman, a citizen by the laws, rules or usages of the Cherokee country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the husband or husband, such widow or widower shall have the right to dwell on the lands of citizens, subject to the laws, rules or usages of the country, so long as she or he may be a widow or widower, and be entitled to all privileges and rights of Cherokee citizens, and be subject to all laws, rules and usages of the country, and at her or his decease, the children of such husband or husbands, shall be entitled to the same rights and privileges, and be subject to the same laws, rules and usages as the children of other citizens."

[illegible]

[illegible]

[illegible]

The Acting Commissioner of Indian Affairs under date [illegible], 1906, transmitting the case with others, recommended that your decision be confirmed in.

The claimant, as held by you, by virtue of the Cherokee law, forfeited her rights to enrollment as a Cherokee citizen by her marriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.L.B.

1 inclosure.

[redacted]

[redacted]

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[redacted]

[redacted]

[redacted]

[redacted]

COMMISSIONERS
MERRIT L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBERGER.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-478.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 18, 1906.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1906, rejecting the application of Lizzie Ross, Cherokee No. R. 478, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 28 day of March, 1906.

Very respectfully,

[illegible] in Charge.

Cher R 476

Cher R 476

Department of the Interior,
R. Commission to the Five Civilized Tribes,
Muskogee, I.T., December 11, 1899.

In the matter of the application of Bee Jones for the enrollment of himself, wife and one child as Cherokee citizens, he being sworn by Commissioner G. H. Breckinridge, and examined by the Commission, testified as follows:

Q What is your name? A Bee Jones.
Q How old are you? A 26 years old.
Q What is your postoffice address? A Nowata.
Q Are you a Cherokee by blood? A No, sir.
Q By adoption? A Yes, sir.
Q For whom do you make application? A Myself, wife and one child.
Q How long have you lived in the Cherokee Nation? A Since 1896.
Q Have you been outside of the Cherokee Nation within the past three years for any purpose? A Not to live.
Q How long have you been out for any one time? A Six weeks.
Q Out for the purpose of seeking work? A I was gone myself, my family wasn't gone.
Q What were you doing when you were out? A I went to Joplin.
Q For the purpose of seeking work? A Yes, sir.
Q Did you come back to the Cherokee Nation immediately? A Yes, sir.
Q When was that? A Last summer a year ago.
Q Lived here continuously since that time? A Yes, sir.
Q Never been out? A Never been out.
Q What is the name of your father? A James A. Jones.
Q Is your father living? A Yes, sir.
Q What is the name of your mother? A Martha.
Q Is she living? A Yes, sir.
Q Your parents are both white are they? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is the name of your wife? A Mattie Jones.
Q Is she living? A Yes, sir.
Q How old is she? A 24.
Q Is she a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim for your wife? A About one-sixteenth, I guess.
Q How long has she lived in the Cherokee Nation? A She was born and raised here.
Q Has she been out for any purpose within the past three years.
Q No, sir, never has.
Q What is the name of your wife's father? A Eb Downing.
Q Is he living? A No, sir, he's dead.
Q Was he a Cherokee? A Yes, sir.
Q What is the name of your wife's mother? A Josephine.
Q Is she living? A Yes, sir.
Q Is her name Downing at the present time? A No, sir, Beck.
Q Is she a Cherokee? A Yes, sir.
Q What district was your wife living in in 1896? A Goingsnake.
Q What is the name of your child? A James B.
Q How old is he? A He's nearly three years old.
Q This is the only child you wish to enroll? A Yes, sir.
Q This child alive and living with you at the present time? A Yes, sir.
Q This the child by your present wife, Mattie Downing? A Yes, sir.
Q When were you married? A In 1897.
Q Any evidence of your marriage? A Yes, sir.

The applicant presents a Cherokee marriage license issued by W. H. Wright, Clerk of Goingsnake District, on the 31st day of July, 1897, authorizing the marriage of Bee Jones, a citizen of the United States, and Miss Mattie Downing, a citizen of the Cherokee Nation, with certificate showing that said parties were united in matrimony by W. H. Wright, Clerk Goingsnake District, Cherokee Nation, presumably on the 31st day of July, 1897.

Q Were you married the same day that you secured the license?
A Yes, sir.
Q Married right there in the office? A Yes, sir.
Q You have lived with your wife continuously since that time?
A Yes, sir.
Q Living with her now? A Yes, sir.
Q Were you married before? A No, sir.
Q Was she? A No, sir.
Q How long has your wife's father been dead? A Somewhere about 15 years I think.
Q Was your wife's father living with Josephine in 1896? A Yes, sir, if he was alive then he was. I don't know whether he was living then or not.

By W. W. Hastings-
Q You think your wife always lived in Goingsnake up to the time you married her? A I think, I know she did.
Q You know when her father died? A I think its been about 14 years or 15 years.
Q Mr Downing was living in 1896? A I think he was.

By the Commission-
Q Your wife's mother had been married to a man named Welch, hasn't she? A My wife's mother's father was named Welch.
Q Did your wife ever go by the name of Mattie Welch? A I don't know whether she did or not.

Witness, G. E. Garrick, sworn, testified-
Q What is your name? A G. E. Garrick.
Q How old are you? A 42 years old.
Q What is your postoffice? A Kansas.
Q Are you acquainted with Mattie James, the wife of the applicant here, Dee James? A Yes, sir.
Q How long have you known her? A About eight years I guess.
Q You know what her mother's name was? A Yes, sir.
Q What was her mother's name? A Josephine Welch was her maiden name.
Q That was her maiden name? A Yes, sir.
Q You know when the applicant's wife's father died? A No, sir. I never was acquainted with him.
Q You know whether he was living with Mattie's mother in 1896?
A No, sir, I don't. I never knew them then.

W.W.Hastings to witness:
Q You know any of her brothers? A Yes, sir.
Q What are their names? A George, Ray and Mack.

Commission-
Q You know whether Josephine Welch ever had a sister named Mattie? A No, sir, I don't.
1896 roll, page 487, field, Mattie Welch, Goingsnake District.
Q What district was your wife living in in 1896? A Goingsnake.
Q What was her name at that time? A Mattie Downing or Welch.
1896 roll, page 748, field, Mattie Downing, Goingsnake District.

By the Commission-
The applicant applies for the enrollment of himself as a citizen by intermarriage, and for the enrollment of his wife and one child as citizens by blood of the Cherokee Nation. He produces

proof of his marriage to his present wife on the 21st day of July, 1897. Not identified upon the Census roll of 1896, as is a white man. His marriage to his Cherokee wife was too late for him to acquire property rights in the Cherokee Nation in accordance with Cherokee law of 1892 regulating the marriage of white people to citizens of the Cherokee Nation; consequently, his application for enrollment as a citizen by intermarriage is rejected. His wife, Mattie, is identified upon the authenticated roll of 1880 under her mother's maiden name, Vulch. She appears upon said roll as a native Cherokee. She is identified upon the Census roll of 1896 as Mattie Downing, a native Cherokee. She has lived in the Cherokee Nation all her life, and will be listed for enrollment as a citizen by blood of the Cherokee Nation; and when the applicant files with the Commission properly executed affidavits as to the birth of his child, this child will likewise be enrolled with its mother as a citizen by blood of the Cherokee Nation.

3

E.C.Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

(Signed) E. C. Rothenberger,

Subscribed and sworn to before me this 18th day of December, 1906.

(Signed) T. H. Needles,

Commissioner.

Arthur G. Creninger, being duly sworn, states that as stenographer to theCommission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Creninger

Subscribed and sworn to before me this 9th day of December, 1906.

Commissioner.

BY THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 11 1900

7648

8476

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

(26)

Date DEC 11 1900 1900.

Name Dee Jones Kansas IT.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen No

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Refused

X Ref to 6401

10

R. 1176

...MISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

...

COPY.

Muskogee, Indian Territory, February 14, 1906.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Dee Jones, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-six, it is entitled Dee Jones, and is known as a Cherokee rejected application.

Respectfully,

Thomas T. B. Needles.

~~Acting Commissioner.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

ENROLLED CASE No. 0 476.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENTHAL.

ALBERT L. ATLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1908.

Pro Jones,

Kansas, Indian Territory.

Sir:

On the 11th day of December, 1902,

you

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 31st day of July, 1897, 190..., to one Nellie Downing a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles [redacted]

Commissioner in Charge.

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

1 1 1902

Dee Jones

P. 476.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 24 1902

ACTING CHAIRMAN.

L. R. S. E. J. P

DEPARTMENT OF THE INTERIOR

WASHINGTON.

I. T. D 2119-1902.
D. C. 6257-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Dee James, R 476, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R M, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
B.L.

COMMISSION

Cherokee R-674

Muskogee, Indian Territory, April 27, 1908.

Mr. Joe Jones,

Kansas, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1908.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BROKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-476.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Lee Jones, Cherokee No. R 476, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 477

Cher R 477

[illegible], as to Applicant's Wife:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 11th, 1900:

In the matter of the application of William Hannah for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Hannah being sworn and examined by Commissioner Brecki nridge, testified as follows:

Q Give me your full name? A Willi am Hannah.
Q How old are you? A 22.
Q What is your post office? A Stilwell.
Q In what district do you live? A Flint.
Q Who is it you want to enroll, yourself? A Wife and one child.
Q Yourself, wife and one child? A Yes, sir
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a Cherokee by blood? A No, sir.
Q White woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir
Q Give me the name of your father? A Pee Hannah.
Q Is he alive? A No, sir.
Q Give me the name of your mother? A Lizzie.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Annie.
Q How old is your wife? A 24 years old.
Q When did you marry her? A Been be two years, the 28th of this month.
Q You were married on December 28th, 1898? A Yes, sir.
Q Have you a certificate of marriage? A Yes, sir.
Q What was her maiden name? A Kincade W.

Com'r:--The applicant presents a license issued by the Clerk of the United States Court, Northern Distri ct, Indian Territory, o the 28th of December, 1898, authorizing marriage between himself and his wife. The certificate shows that they were married on the following day by the Rev. Milton A. Clark. This is filed herewith.

Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.
Q Has she lived with you ever since you married? A Yes, sir.
Q Give me the name of your child? A May.
Q How old is the child? A Born the 16th of August.
Q Were you ever admitted to citizenship? A Yes, sir.
Q When were you admitted to citizenship? (No response.)
Q Do you know anything about your father and mother being readmitted to citizenship? A My mother was born and raised here.
Q What was your mother's name before she married your father? A Fletcher.
Q Do you know that you mother and father were admitted by the Cherokee Council or Commission? A No, sir, I do not, I do not think they were.
Q Did they ever apply to the Dawes Commission for admission that you kn w of? A No, sir, not as I know of.
Q Did you draw Cherokee strip money? A Yes, sir.
Q Was your mother a Cherokee by blood? A Yes, sir.
Q Was your father a Cherokee by blood? A No, sir, a white man.
1896 Roll, page 674, #984, Willie Hanna, Flint.

Com'r Brecknirdge:--The applicant applies for the enrollment of himself, wife and one child. He states that he hmself is a Cherokee b y blood and that he has lived in the Cherokee Nation all his life. He is identified on the roll of 1896, but neither he nor his father or mother can be identified on the roll of 1880. He is of the impression that his people were admitted to citizenshi p by the Cherokee Commission, but no evidence of that can be found at this time. He will now be listed as a Cherokee by blood on a doubtful card to await further evidence of his citizenship.

William Hannah--2.

His wife, Annie, is shown to have been married to him in 1898, on December 28th. She is a white woman. Her marriage is too late under the Cherokee law of December 16th, 1895, to entitle her to enrollment at this time, and therefore, apart from the status of her husband, the application for her enrollment is rejected.

When he files a certificate of the birth of the child, Dunn, who is said to have been born on the 16th of August last, this child will be listed for enrollment on a doubtful card with its father.

---oooOOOooo---

SUPPLEMENTAL TESTIMONY in the above Application:

William Hannah, the Applicant, further testified:

Q Was your mother called Sarah as well as Elizabeth? A Yes, sir.
Q Have you uncles? A Yes, sir.
Q Who is one of your uncles? A B. G. Fletcher.
Q How old is your uncle now? A About 40 something.

Com'r:--On the printed roll, at present under examination, in the possession of the Cherokee Nation, the name of Benjamin Fletcher is recognized in Flint District, No. 512, aged then 21 years.

Q Well now, who else did you have as an uncle besides Benjamin?
A John.

Com'r:--On the same roll in Going Snake is recognized the name of John Fletcher, who was then 18 years of age, No. 713, and he is in the family with Sarah Fletcher, who the applicant states was his mother.

Q When did your mother marry your father, you don't know about that do you? A No sir, I do not.
Q When did your mother die? A It has been about 10 years.
Q Did you live with her until she died? A Yes, sir.
Q All the time? A Yes, sir.
Q What brothers have you? A John.
Q Just one brother? A Yes, sir.
Q And what sisters? A Bell and Mary and Dunn.

W. D. RIGBY, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your name there? A W. D. Rigby.
Q How old are you? A 39.
Q What is your post office? A Stilwell.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, William Hannah? A Yes, sir.
Q What was his mother's name? A Sarah Elizabeth Fletcher was her maiden name.
Q Now, her name is not on the roll of 1896, can you explain why this applicant's name is not on that roll; he was two years old at that time, according to his testimony. No, sir, I can't, he must be mistaken in his age. I think it was about near that time when she and her husband married, she lived at our house and went to school about that time.
Q She lived at your house? A Yes, sir, my father's house.
Q And she married Joe Hannah? A Yes, sir.
Q Will not, to this applicant here, William, always been recognized as the actual child of that Sarah Fletcher? A Yes sir.
Q Never any question about his being her child? A No, sir all the family lived together until the mother died and I think they stayed with the grandmother a little while, and then his father married his mother's sister and they went to housekeeping.

Q Sarah Fletcher is given on the roll of 1880 as 14 years old, do you think she was older than that in 1880? A I could not say.
Q She is given there with Charlotte Fletcher, who is Charlotte Fletcher? A That is her mother.
Q And with John Fletcher, who is John Fletcher? A That is her brother; she was the oldest and John was next.
Q How old you say you are? A I am 39.
Q Was she married in 1880, this Sarah Fletcher? A I do not know whether it was in 1880 or not.
Q Can you remember when she was married? A Yes, sir.
Q Do you remember when this man was born? A No, sir, I remember when he was a little bitty fellow.
Q Who was he living with then? A Poe Hannah and her mother. They lived about six or seven miles from us.
1880 Roll; page 413, #713, Sarah Fletcher, Going Snake.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 18th day of December, 1908.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 11 1900

[illegible]

[illegible] BY BROKERS

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name Stilwell Ind To

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Annie Hannah

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected Minnie [illegible] the act approved Dec 16th 1898

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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x Ref to 2 93

C

R 477

[illegible] THE DAWES
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAR 4 1902

[illegible]
ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Annie Hannah, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-seven, it is entitled Annie Hannah, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

(41)

CHEROKEE CASE No. R.....677.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.....February 14,.....190..2.

Mrs. Annie Hannah,

Stilwell, Indian Territory.

Madam:

On the.....11th.....day of.....December,.....190..0.,

your husband, William Hannah,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 29th day of December, 1896, 1 o, to one William Hannah, alleged to be a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Inclosure.

Register.

ACTING CHAIRMAN

L. R. S. W. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I T. D. 1897-1902.
D. C. 6248-1902.

April 3, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting theapplication of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Annie Hannah, R 477, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,

Acting Secretary.

D.L.

COMMISSION TO THE INTERIOR,
THE UNCIVILIZED TRIBES
1909

ACTING CHAIRMAN.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

U. [illegible] EXPLORATION,
COMMISSION TO [illegible] TRIBES
[illegible] 190[illegible]

[illegible] CHAIRMAN

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-477

Muskogee, Indian Territory, April 17, 1902.

Annie Hannah,

Stilwell, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
[illegible]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Annie Kennah, Enrollee No. R 677, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 2nd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 478

REJECTED, as to wife, Fannie B.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 11, 1900.

In the matter of the application of Hiram V. Linder for the enrollment of himself, wife and children as Cherokee citizens; being sworn and examined by Commissioner Breckinridge he testified as follows:

Q Give me your full name? A Hiram V. Linder.
Q How old are you? A 41.
Q What is your post-office? A Campbell.
Q In what district do you live? A Illinois
Q Who do you want to enroll, yourself and family? A Yes sir
Q Have you a wife? A Yes sir
Q How many children? A 2, one by a first wife and one by my second.
Q Are you a Cherokee by blood? A Yes sir.
Q Is your wife a Cherokee by blood? A No sir.
Q She is a white woman? A Yes sir
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Ed Linder.
Q Is he dead? A Yes sir.
Q Give me the name of your mother? A Martha A.
Q Is she alive? A Yes sir.
Q Give me the name of your present wife? A Fannie B.
Q How old is she? A 25
Q When did you marry her? A 1897.
Q Have you a certificate of marriage? A Yes sir.
Q What was her maiden name? A Tyner.
Comr: The applicant presents a license issued by the Clerk of the United States Court for the Northern District of the Indian Territory on August 14 1897, authorizing marriage between himself and his wife; they were united in marriage on the following day by the Rev. J.F.Weems, as shown by the certificate attached; these documents are filed herewith.
Q Has your wife lived with you ever since you and she were married? A Yes sir
Q Was this wife ever married before? A No sir
Q How often were you married before? A Once.
Q Was that wife dead when you married this wife? A Yes sir
Q Give me the names of your children? A Charlie W.
Q How old is that child? A 10
Q Give me the name of the next child? A Emery H.
Q How old is he? A 3 months
Q These children are both living are they? A Yes sir.
Q Your first child was by a former wife? A Yes sir.
Q Give me the name of your first wife? A Her maiden name was Ella McDaniel.
Q You say she is dead? A Yes sir.
Q When did she die? A In 1895.
Q Was she a white woman or a Cherokee? A White I guess; a claimant citizen.
Q They were not recognized as Cherokees? A No sir.
Q Have you a certificate of your marriage to her? A No sir. I was married under Cherokee law.
Q Have you some one who knows that you lived with her? A Yes sir.
Q When did you marry her? A In 1890.
Q You married her in 1890 and lived about 8 years with her. Yes sir.
Q You gave the age of this child as ten years? A I married her in 1890, and the child is 10 the 6th of this month.
Q You married her what time in 1890? A 7th day of January

Hiram V Linder et al

1896.

Q And the child was born the 8th day of December of the same year?
A Yes sir.

1880 roll page 342 #1092 Hyram Linder Illinois native Cher
1894 roll page 276 #1094 Hiram V. Linder Illinois
1896 roll page 370 #1095 Charlie Linder Illinois.

MARTHA A. LINDER, being sworn and examined by Commissioner Breckinridge testified as follows:

Q Give your full name there please? A Martha A Linder.
Q You are the mother are you not of this applicant Hiram V Linder
A Yes sir.
Q His first wife is dead? A Yes sir.
Q What was her name? A Ella McDaniel before he married her.
Q When did he marry her. A I don't remember the year
Q About how long was it before his child Charlie was born? A About, not quite a year.
Q Nearly a year? A Yes sir.
Q The child is 10 years old. A Yes sir.
Q Then he married about the early part of 1890? A I guess in January.
Q That was his first wife? A Yes sir.
Q And he was her first husband? A Yes sir.
Q Have they lived together until she died? A Until her death yes sir.

Comm'r Breckinridge: The applicant applies for the enrollment of himself, his wife and 2 children; one of the children being by a former wife; he is identified upon the roll of 1880 and 1896 as a native Cherokee; he has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood; his present wife is shown to have married him in 1897; the license and certificate are filed herewith; she is a white woman; she was never previously married; he was once previously married, but his former wife was dead when he married his present wife. His present wife however, Fannie B. Linder, was married to him too late under the Cherokee law of December 16 1895, to entitle her to enrollment at this time; therefore the application for her enrollment is rejected; the child of this marriage Emery H. Linder, is said to be six weeks now three months old; when certificate of birth of this child is presented to the Commission he will be listed for enrollment as a Cher by blood; the applicant married his first wife, who was also a white woman, is established in a satisfactory manner by the testimony of the applicant and by that of his mother; neither had been previously married, and they lived together from the time of their marriage in January 1890 until she died, some five years after; his child of this marriage, Charlie W. Linder, 10 years of age, the 8th of this month, is identified upon the 1896 roll, and this child will be listed for enrollment as a Cherokee by blood.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this December 12 1900.

Commissioner.

B

R478

OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 11 1900

ACTING CHAIRMAN

R478

Name of applicant found under roll

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1906 1906.

Name Campbell Ind. Ter.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name (25) Jamie B. Linder

District Year 15 Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children: Rejected married too late

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

X Ref to 6431

MARRIAGE LICENSE.

United States of Americ,)
Indian Territory,)ss. No. 824
Northern District.)

To Any Person Authorized by law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. H. V. Linder of Campbell in the Indian Territory, aged 30 years, and Miss Fannie B. Tyner, of Campbell in the Indian Territory, aged 22 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, Indian Territory, this 14th day of August, A. D. 1897.

Seal. Jas. A. Winston,
Clerk of the U. S. Court.

By.....Deputy.

Certificate of Marriage.

United States of Americ,)
Indian Territory,)ss.
Northern District.)

I, I. F. Weems, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 15 day of Aug A. D. 1897, I did duly and according to law as commanded in the foregoing License solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 15 day of Aug A. D. 1897.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 188.

I. F. Weems,
A Minister of the Gospel.

Certificate of Record.

United States of Americ,)
Indian Territory,)ss.
Northern District.)

I, James A. Winston, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 16 day of August 1897, at.....M., and duly recorded in Book F, Marriage Record, Page 48.

WITNESS my hand and seal of said Court at Muscogee, in said Territory, this 17 day of Aug A. D. 1897.

Jas. A. Winston, Clerk.

By.....Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., August 12, 1902.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for the enrollment of Fannie B. Linder as a Cherokee citizen. R 458.

[signature]

FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Fannie B. Linder, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number N. four hundred and seventy-eight, it is entitled Fannie B. Linder, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(Copy)

[illegible]

[illegible] CONTEST CASE No. [illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1908.

[illegible],

Campbell, Indian Territory.

[illegible]:

On the 11th day of December, 1907, your husband, Simon W. Binder,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as practible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is thereby restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 18th day of August, 1897 you, to one Kirum V. Linder, your said husband, a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted]

Register. [redacted]

T. B. Needles

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

[illegible] THE [illegible]
COMMITTEE ON [illegible] ORGANIZED TRIBES
[illegible]

[illegible] ACTING CHAIRMAN

L. R. S. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 1886-1902.
D. C. 6285-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Fannie B. Linder, R 478, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
E.L.

L[illegible] OF THE [illegible],
COMMISSION TO [illegible] [illegible]IZED TRIBES
FILED
A[illegible] 1992
ACTING CHAIRMAN

Cherokee R-478

Muskogee, Indian Territory, April 17, 1902.

Fannie B. Linder,

Campbell, Indian Territory.

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of yourself as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-478.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Fannie B. Linder, Cherokee No. R 478, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cherokee R-472.

Muskogee, Indian Territory, August 20, 1902.

Hiram V. Linder,

Campbell, Indian Territory.

Sir:

When you applied to this Commission for the enrollment of Fannie B. Linder as a citizen of the Cherokee Nation, you filed with that application marriage license and certificate showing your marriage on August 15, 1897, to Miss Fannie B. Tynes.

The same is herewith returned to you, a copy having been made and retained in the Commission's files.

Yours truly,

Acting Chairman.

Enclosure,
R-40.

Cher R 411

Cher R 479

Enrolled as to Ida G. Yourgin

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I. T. December, 11th 1900.

In the matter of the application of Scott A. Yourgin for the enrollment of himself, wife and one child as Cherokee citizens. He being sworn before Commissioner Breckinridge testified as follows-

Q What is your name? A. Scott A. Yourgin.
Q What is your age? A. 28.
Q What is your post office address? A. Southwest City. Mo.
Q Are you a Cherokee by blood? A. Yes sir.
Q What degree of blood do you claim? A. 1/8
Q For whom do you make application? A. Myself, wife and one child
Q Have you lived in the Cherokee Nation all your life? A. No sir, I was born and raised here, but have been out of it as much as two or three years. I am working now in Southwest City.
Q What is your occupation? A. Clerk in a store
Q Are your wife and child living with you? A. Yes sir.
Q Have you any property in the Cherokee Nation? A. Yes sir.
Q What is it? A. Stock and a farm.
Q Do you derive any revenue from that property? A. Yes sir.
Q How long have you owned it? A. 8 years.
Q When did you first go out of the Cherokee Nation to seek work? A. 4 years ago, I have been back once in that time.
Q Do you keep house in southwest City? A. Yes sir.
Q Do you own any property there? A. No sir.
Q Were you living in southwest City on the 28th day of June 1898? A. Yes sir I think I was.
Q Had you resided continuously in the Cherokee Nation from your birth until you went to Southwest city? A. Yes sir and have been living there since then.
Q How long did you live here that time? A. 2 or 3 months.
Q Were you living on your farm then? A. No sir with my father, the house on my farm had burned down and I had to stay with my father.
Q What is your fathers name? A. James G.
Q Is he living? A. Yes sir.
Q Is he a Cherokee? A. No sir, my mother is.
Q What is her name? A. Mary.
Q Is she living? A. Yes sir.
Q And is she a recognized citizen of the Cherokee Nation by blood? A. Yes sir.
Q Is your name on the 1896 roll? A. Yes sir.
Q What district were you living in then? A. Delaware.
Q What district were you living in in 1898? A. Delaware district, I took the 1896 census roll of that district.
Q What is your wifes name? A. Ida G.
Q Is she living? A. Yes sir.
Q How old is she? A. 25.
Q Is she a Cherokee or white woman,? A. White.
Q What is the name of her father? A. James Tinsin.
Q What is her mothers name? A. Emma.
Q Are her parents both living? A. Yes sir.
Q What is the name of your child? A. Marjorie G.
Q How oldis she? A. 4 years old
Q Is she alive and living with you at this time? A. Yes sir.
Q Is she a child by your present wife? A. Yes sir
Q When were you married to your wife? A. Feby, 2 4, 1898.
Q Were you ever married before? A. No sir.
Q Was she? A. No sir
Q Have you and she lived together continuously since your marriage? A Yes sir.

The applicant produces a certified copy of the marriage records of Delaware District issued by J. T. Parks, Assistant Executive Secretary of the Cherokee Nation, certifying that Scott A. Yourgin a citizen of

Scott A. Yourgin No.

the Cherokee Nation was united in marriage to Ida G. Shurin a white woman on the 24 day of Feby.1894, by J. R. Hastings, clerk of Delaware district, Cherokee Nation. Same is filed herewith.

1880 roll, page 248, No 1113, Scott A. Yourgin, Delaware dist.
1896 " 348 " 2780 Scott A. Yourgin. "
1896 " 348 " 2781 Ida G. Yourgin "

The applicant applies for the enrollment of himself and one child as Cherokee citizens by blood and for his wife as a Cherokee citizen by inter-marriage. He is identified on the authenticated roll of 1880 and on the census roll of 1896 as a native Cherokee. He has made his home in the Cherokee Nation all his life except four years during which time he has resided in southwest City, Missouri, where he has been engaged in business. He has always claimed the Cherokee Nation as his home, and he will be listed for enrollment as a Cherokee citizen by blood. When he files with the Commission properly executed affidavits of birth as to his child, it also will be listed for enrollment as a Cherokee citizen by blood. His wife is a white woman, and she is identified on the roll of 1896 as an adopted white. He produced satisfactory proof as to his marriage to her in Feby., 1894. This was too late for her to acquire property rights as an inter-married citizen under the Cherokee law of 1895, consequently the application for her enrollment as a Cherokee citizen by inter-marriage is rejected. Applicant avers that he and his wife have been living together continuously since 1894 and that neither of them were previously married.

Geo. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 11th of December, 1902.

Thurlie
Commissioner.

R 479

"B"

THE IN
SION TO THE FIVE CIVILIZED TRIBES
FILED
DEC 11 1900

ACTING CHAIRMAN

R479

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Ida C. Yeargain Southwest City Mo.

District DELAWARE. Year 1896 Page 595 No. 613

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Repeated

X Rej 6426

R 471

"C"

ON TO THE FIVE CIVILIZED BES

FILED
DEC 11 1900

ACTING CHAIRMAN

R 459

Delaware District
Cherokee Nation

I, John R.Hastings, Clerk of Delaware District C.N., do hereby certify that Scott Yeargain a citizen Cherokee by blood and Miss Ida Timmin a white woman a citizen U.S. were joined together in the Holy Bonds of Matrimony on this 2d. day of February 1896 agreeable to the laws and customs of the Cherokee Nation. In witness whereof I hereunto set my hand on this the 5th. day of February 1896

J.R.Hastings
Clerk Del. Dist., C.N.

Witness:
J.T.Edmondson
Miss Stellah Ward .

Executive Department, Cherokee Nation
Tahlequah Indian Territory
December 11, 1900

I hereby certify that the above and foregoing certificate id a true and correct copy of the Marriage Record of Delaware District as shown on page 169, which record is now on file in this office.

J.T.Parks
Executive Secretary of the Cherokee Nation.

FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ida C. Yeargin, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and seventy-nine, it is entitled Ida C. Yeargin, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(Copy)

(01)

CITIZENSHIP CASE NO. 0. 479.

COMMISSIONERS:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Ida C. Yeargin,

Southwest City, Missouri.

Madam:

On the 11th day of December, 1900, 190,

your husband, Scott A. Yeargin,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 24 day of February, 1896, 190..., to one Scott A. Yeargin, your husband a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, • • • •"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.

[redacted]

Registrar.

[redacted]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 1

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 *, in the matter of the application of* Ida C. Yeargain *for enrollment as* a *citizen of the Cherokee Nation.*

W. W. Hastings
Attorney for Cherokee Nation.

Cherokee No. R. 479.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 1 1902
ACTING CHAIRMAN

J.P
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2120-1902.
D. C. 6213-1902.
L. R. S.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are hereby advised that the application of Ida C. Yeargin, R 479, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary,
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 389, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

[illegible] OFFICE OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible]
[illegible] 1902

[illegible] ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMMISSION TO
ACTING CHAIRMAN

Cherokee R-479

Muskogee, Indian Territory, April 17, 1902.

Ida C. Yeargin,

Southwest City, Missouri,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-479.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ida C. Keargin, Cherokee No. R 479, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 480

Cher R 480

REJECTED, as to applicant's wife.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 11th, 1900.

-R-

In the matter of the application of Jeel Crittenden for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Crittenden being sworn ~~and examined~~ by Commissioner Breckinridge, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Jeel Crittenden.
Q What is your age? A 21.
Q What is your post office address? A Pryor Creek.
Q Are you a Cherokee by blood? A Yes, sir.
Q What degree of Cherokee blood do you claim? A I do not know., my father is a Cherokee and my mother is a Cherokee.
Q For whom do you make application, anyone besides yourself? A. Yes, sir, I have a wife and two children.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
Q Have you been outside of the Nation for any purpose within the past three years? A No, sir.
Q What is the name of your father? A Christopher Columbus.
Q Is he living? A Yes, sir.
Q Your father is a Cherokee? A Yes, sir.
Q What is the name of your mother? A Nancy Jane Crittenden.
Q Is she a Cherokee? A Yes, sir.
Q What is the name of your wife? A Nora Crittenden.
Q Is she living? A Yes, sir.
Q Howold is she? A She is 22.
Q Is she a Cherokee by blood? A No, sir, she is a white woman.
Q What is the name of her father? A Redden Farmer.
Q What is the name of her mother? A Elizabeth Farmer.
Q Give me the name of her oldest child? A ~~Elizabeth Farmer~~. Ada May.
Q How old is she? A She was born the 5th day of October, 1898.
Q What is the name of the next child? A Bessie Ethel.
Q How old? A She was born the 7th day of last July.
Q These children are bith living with you at the present time? A Yes, si r.
Q They are both children of your present wife, Nora? A Yes, sir.
Q When were you married? A The 7th day of October, 1897.
Q Have you any evidence of your marriage? A Yes, sir.

GEORGE E. MARRS, being duly sworn and examined by the Commission, t estified as follows:

Q What is your name, please? A George E. Marrs.
Q How old are you? A 30 years old.
Q What is your post office address? A Baptist, Indian Territory.
Q Are you acquainted with the applicant here, Jeel Crittenden? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q How long have you known them? A I have known them for the last ten years I guess, that is the family.
Q Do you know when they were married? A No, sir, I do not.
Q Do you know about when they were married? A Rev. Gordon married them right rthere about two miles from where I live.
Q Were you present at the marriage? A No, sir.
Q Has he been living with her continuously since that time as her husband? A I suppose they have.
Q Does he hold her out to the Community as his wife? A Yes, sir.

1896 Roll; page 416, #309, Jeel Crittenden, Being Duplicate.
1896 Roll; page 739, #409, Jeel Crittenden, Being Duplicate.

R480

Joel Grisham--2.

COMMISSION: The applicant applies for the enrollment of himself and two children as citizens by blood and for the enrollment of his wife as a citizen by intermarriage. He is identified on the authenticated roll of 1880 and the census roll of 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood. When he files with the Commission properly executed affidavits as to the births of his two children, they likewise will be listed for enrollment as Cherokee citizens by blood.

He avers that he was married on the 20th day of October, 1897 to his wife, a white woman. They have lived together continuously since that time. Neither had been previously married. This marriage was too late for her to acquire property rights under the Cherokee law of 1895, consequently the application he makes in her behalf for her enrollment as a Cherokee citizen by intermarriage will be rejected.

---oo0ooo----

J. G. Reason, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic note thereof.

J G Reason

Subscribed and sworn to before me this 13th day of December, 1906.

Commissioner.

R 480

"B"

T OF THE INTE

ISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 11 1900

ACTING CHAIRMAN.

R480

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Nora Crittenden, Pryor Creek I.T.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Rejected

X Ref 6430

Indian Territory
Northern District

on this the 6th day of December 1900 before me a notary Public in and for the northern District Indian Territory appeared in person Rettia Jeffries known as the person named in this affidavit deposeth and says that she is well acquainted with Joel Lentlender and his wife Nora Lentlender that she was present when the said Joel Lentlender and Nora Farmer now his wife were married on the 7th day of October 1897 that the above named parties were married by my Father who is now deceased that said parties have lived together as man and wife ever since there marriage and so cetiyy

Rettia Jeffries

Sworn and subscribed to before me on this the 6th day of December 1900

William R. Holt
Notary Public

My commission expires March 21st 1903

R480

"C"

THE INT
SSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1900
CHAIRMAN

R480

Indian Territory }
Northern District }

on this the 6th day of December 1900 before me a Notary Public in and for the Northern District of the Indian Territory appeared in person Ella Gordon known as the person named in this affidavit after being duly sworn as the law direct deposeth and says that she is well acquainted with Joel Cuttenden and his wife Nora Cuttenden that she was present when the said Joel Cuttenden and Nora Farmer now his wife were married on the 7th day of October 1897 that the above named parties were married by my husband who is now deceased that said parties have lived together as man and wife ever since their marriage and I so certify

Mrs. Ella Gordon

Sworn to and subscribed before me this the 6th day of December 1900.

William L Holt
Notary Public

my commission expires Mar 31st 1903

R 1180

COMMISSION TO ...

FILED

MAR 4 1902

ACTING CHAIRMAN

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Nora Crittenden, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighty, it is entitled Nora Crittenden, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(Copy)

660

CITIZENSHIP CASE No. 8. 660.

Commissioners:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Mrs. Nora Crittenden,

Pryor Creek, Indian Territory.

Madam:

On the 11th day of December, 190 0, your husband, Joel Crittenden,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, as far as practicable, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 630 to Sec. 660, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 7th day of October, 1897, to one Joel Crittenden a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you have your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) T. B. Needles.
[redacted]
Commissioner in Charge.

Enclosure
Register.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

INDIANS
ED TRIBES
ACTING CHAIR

J.T.

T.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2121-1908.
D. C. 6814 -1908.
L. R. S.

April 3, 1908.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Nora Crittenden, R 490, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thomas Ryan,

Acting Secretary.

D.L.

A. E. S. W. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1230-1902.
D. C. 2081-1902.

April 8, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

"That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R Zl, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

[illegible]
COMMISSION TO [illegible] THREE
FILED
[illegible] 1992
ACTING CHAIRMAN

Cher. R-480

Muskogee, Indian Territory, April 17, 1902.

Nora Crittenden,

Pryor Creek, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDEN.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO REPLY TO THE FOLLOWING
Cherokee-S-480.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Rose Whitmire, Cherokee No. R 480, for enrollment as a citizen of the Cherokee Nation, was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 481

Cher R 481

Department of the Interior.
Commission to the Five Civilized Tribes.
Tahlequah, I. T., December 11, 1900.

In the matter of the application of George Forbes for the enrollment of himself, wife and children as Cherokee citizens, he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A George Forbes.
Q How old are you? A 31.
Q What is your postoffice? A Peggs.
Q In what district do you live? A Tahlequah.
Q Who do you want to enroll; yourself? A Myself, wife and one child.
Q Are you a Cherokee by blood? A No sir.
Q White man? A Yes.
Q Your wife is a Cherokee by blood? A Yes sir.
Q Let me see your marriage license and certificate. A I haven't the license. I have a copy from the clerk.
The applicant presents an official copy of the records of Tahlequah district showing that a certificate of marriage was placed upon record

record showing that the applicant was married to Ruth Harris, a citizen of the Cherokee Nation, on May 30, 1898, by the Rev. F. M. Crocker. This is filed herewith.
Q Have you lived with your wife ever since you married her in 1898? A Yes sir.
Q It doesn't appear that you had procured a Cherokee license? A No sir.
Q You didn't get a Cherokee license? A Yes sir. I got a Cherokee license.
Q What did you do with it? A Grafton said that he, two or three years ago, sent my license to Muskogee and he agreed to record it here by mail. But he never did it.
Q Your wife's name at present is Ruth Forbes? A Yes sir.
Q How old is your wife? A 22.
Q Was she lived in the Cherokee Nation all her life? A I reckon so. I know she has.
Q Give me the name of her father. A Taylor Harris.
Q Is he dead? A Yes sir, he's dead.
Q Give me the name of her mother. A Betsy.
Q Is she dead? A No sir, she's living.
Q Give me the name of your child. A Alice.
Q How old is the child? A She's 22 months old.
1880 roll; page 760, #1872, Betsy Harris, Tahlequah district
1896 roll; page 1160, #1046, Ruth Forbes, Tahlequah district
1896 roll; page 1279, #77, George Forbes, Tahlequah district.
Q Were you ever married except to this wife? A No sir.
Q Was she ever married except to you? A No sir.

Commissioner Breckinridge:
The applicant applies for the enrollment of himself, his wife, and one child. His wife is identified on the rolls of 1880 and 1896 as a native Cherokee. She is said to have lived in the Cherokee Nation all her life. Her change of name is established by the official copy of the marriage certificate filed herewith, and she will be listed for enrollment as a Cherokee by blood. When a certificate of birth of the child, Alice, is filed with the Commission, this child also will be listed for enrollment as a Cherokee by blood. The applicant himself is identified with his wife on the roll of 1896. He is a white man. Neither he nor she was previously married. He is shown to have married her May 30, 1898, and states that his license is on file with the Commission, having been sent to the Commission in 1899, but his marriage is too late under the Cherokee law of December 16, 1898, to entitle him to enrollment, and the application for his enrollment is rejected.

[illegible] in a [illegible] [illegible] [illegible]

R 481

"B"

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 11 1900

ACTING CHAIRMAN

Commission of Authorized Tribal Study Clerk

CHEROKEES BY BLOOD AND ADOPTION.

(21) Date: OCT. 1, 1900 1900.

Name: George Forbesh Peggy Dist Cd

District: TAHLEQUAH, Year: 1896 Page: 1279 No.: 25

Citizen by blood: no Mother's citizenship:

Intermarried citizen: yes

Married under what law: Date of marriage:

License: Certificate:

Wife's name:

District: Year: Page: No.:

Citizen by blood: Mother's citizenship:

Intermarried citizen:

Married under what law: Date of marriage:

License: Certificate:

Names of Children:

Rejected married after the act approved Dec 16 1896

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
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R 481

"C"

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 11 1900

ACTING CHAIRMAN.

[illegible] 70 [illegible] of Mr. [illegible]

the Tribes of [illegible] United

taken [illegible]

orders [illegible]

S.M.C. M.O.

[illegible]

[illegible] C.M.

[illegible]

[illegible] survey of the

Cherokee Nation, [illegible]

taken from [illegible]

Nation, now [illegible]

B. W. Alberty

R 1181

FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of George Forbes, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Secretary of the Interior.

This application will be found in said decision as number R. four hundred and eighty-one, it is entitled George Forbes, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Commissioner.~~
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

(COPY)

(61)

CHEROKEE CASE No. 8. 481.

COMMISSIONERS:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge.

Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

George Forbes,

Pegga, Indian Territory.

Sir:

On the 11th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 30th day of May, 1896, to one Ruth Farris, a citizen by blood of the Cherokee Nation, that you and your wife have lived together continuously since your marriage, that you are identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.

[redacted].

Commissioner in Charge.

Enclosure.

Register.

[illegible] INTERIM,
COMMISSION T[illegible] [illegible]LIZED TRIBES
[illegible]

[illegible] ACTING CHAIRMAN

L. R. S. P. J. P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

April 3, 1902.

I. T. D. 2122-1902.
D. C. 6018-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of George Forbes, R 481, for enrollment as an intermarried Cherokee citizen, is hereby rejected because he was married subsequent to the Cherokee law of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. P. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

[illegible]

[illegible]

ACTING CHAIRMAN

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

COMM

ACTING CHAIRMAN

Cherokee R-481

Muskogee, Indian Territory, April 17, 1902.

Mr. George Forbes,

Peggs, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. SCHWINDREDS.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-481.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1903.

W. W. Hastings, Esq.,

Atty. for Cherokee Nation,

Muskogee, Indian Territory.

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of George Forbes, Cherokee No. R 481, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1903.

Very respectfully,

Acting Chairman.

Cher R. 482

Cher R 482

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., DECEMBER 11th, 1902.

IN THE MATTER OF THE APPLICATION OF Grant Fallingpet for the enrollment of himself, wife and child as citizens of the Cherokee Nation, and he being sworn and examined by Commissioner, C. R. Breckinridge, testified through Interpreter, Joe Sequichie, as follows:

Q Give me your full name? A Grant Fallingpet.
Q How old are you? A Thirty three.
Q What is your Postoffice? A Spavinaw.
Q In what District do you live? A Delaware District.
Q Who is it you want to enroll; yourself and family? Have you a wife? A Yes sir.
Q How many children have you? A One.
Q You want to enroll yourself, wife and one child?
A Just myself and child.
Q Do you not want to enroll your wife? A Yes sir.
Q Are you a Full blood Cherokee? A Yes sir.
Q Is your wife a full blood woman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Give me the name of your father? A Fallingpet.
Q Is he dead? A No sir, he is living.
Q Give me the name of your mother? A Dagon.
Q Is she dead? A Yes sir.
Q Give me the name of your wife? A Bertha.
Q How old is your wife? A Eighteen.

Bertha Fallingpet, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Bertha Fallingpet.
Q How old are you? A Eighteen.
Q Are you the wife of this man here, Grant Fallingpet?
A Yes sir.
Q When were you and he married? A Christmas.
Q What Christmas? A Three years ago.
Q Three years ago this coming Christmas? A Yes sir.
Q Was he ever married before he married you? A Yes sir.
Q How many times? A Once.
Q Was that wife dead when he married you? A Yes sir.
Q Were you ever married before you married him? A No sir.
Q Have you lived with him ever since you and he were married?
A Yes sir.
Q Have you a certificate of your marriage? A Yes sir, but we have lost it.
Q Have you some one here who knows you have been living with him?
A Yes sir, get two.
Q Give me the name of your child? A Samantha.
Q How old is the child? A Sixteen months old.

Applicant recalled:
Q What is your mother's name? A Dagon.

(Page 2nd, Page 2nd, Grant Pett, Delaware District)
(Page 2nd, Page 2nd, Grant Pet, Delaware District)

Ella Puddings, being sworn and examined by Commissioner, C. R. Breckinridge, testified as follows:
Q Give me your full name? A Ella Puddings.
Q How old are you? A Thirty.
Q What is your Postoffice? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A Ten years.
Q Do you know the applicant's wife here, Bertha Fallingpet?
A Yes sir.
Q Is she any kin to you? A Yes sir.
Q What kin? A Sister.

GRANT PELLINGPOT NT AL.

-2-

Q Is she married to this man, Grant Pellingpot? A Yes sir.
Q When did she marry him? A The 28th of December three years ago.
Q Has she been living with him ever since? A Yes sir.
Q Was she ever married before? A No sir.
Q Did you ever hear of his being married before? A Yes sir.
Q Was his former wife dead? A Yes sir.

Applicant recalled:
Com'r. C. R. Breckinridge: The applicant applies for the enrollment of himself, his wife and one child: He is identified on the rolls of 1880 and 1896 as a native Cherokee: He has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee by blood.

His wife appears with him in the application: He is shown by satisfactory evidence to have married his wife on the 28th of December, 1897: She was never previously married: He was once previously married, but his former wife was dead when he married his present wife: His present wife is a white woman: Her marriage is too late under the Cherokee law of 1895 to entitle her to enrollment. Therefore, his application for her enrollment is rejected.

When a certificate of the birth of their child, Samantha Pellingpot, is filed with the Commission, this child being stated as sixteen months of age, then this child will be listed for enrollment as a Cherokee by blood.

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

R R Crawford

Subscribed and sworn to before me this 13th day of December, 1900.

C R Breckinridge

COMMISSIONER.

R482

"B"

T . . . IN

...SSION TO THE FIVE CIVILIZED TRIBES.

FILED

DEC 11 1900

ACTING CHAIRMAN.

R482

Statement of Applicant Taken Duly Sworn.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 11 1900 1900.

Name Spurrier Ind Terr

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Bertha Falling Rock

District Year Page No.

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage 25th Dec. 1897

License Certificate

Names of Children:

Rejected - married after the act approved Dec 16 1893

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

X Ref 6435

FILED
MAR 4 1902

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Bertha Pellingpet, returned by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as number R. four hundred and eighty-two, it is entitled Bertha Pellingpet, and is known as a Cherokee rejected application.

Respectfully,

SIGNED: T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(COPY)

CHEROKEE CASE No. 8...482...

COMMISSIONERS:
Henry L. Dawes,
Tams Bixby,
Thomas B. Needles,
C. R. Breckinridge,
Allison L. Aylesworth,
Secretary.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory February 14, 1902.

Bertha Fallingpet,

Spavinaw, Indian Territory.

Madam:

On the 11th day of December, 1902,

your husband, Grant Fallingpet,

appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of

yourself

as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

> "That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in the lands of the Cherokee Nation:

> "That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; * * * *"

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case, and known as the "Intermarriage law," was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

> "That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI, Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

It appears from the testimony in this case that you were married on the 25th day of December, 1897, ex, to one Grant Fallingpot, your said husband a citizen by blood of the Cherokee Nation, that you and your husband have lived together continuously since your marriage, that you are not ~~identified on the Cherokee Census Roll of 1896; and that you base your application for enrollment upon the~~ foregoing marriage. Said marriage, however, was contracted after the enactment of the Cherokee marriage law, December 16, 1895, which law went into effect "from and after the passage" of the same, and provides that after said date "all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage, no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, * * * *"

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is enclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the commission is informed of the same.

THE COMMISSON TO THE FIVE CIVILIZED TRIBES.

By (Signed) [redacted] T. B. Needles.
Commissioner in Charge.
[redacted]

Inclosure.

Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. FEB 1 1 1902

Received of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 1 1902 in the matter of the application of Bertha Fallingpot for enrollment as a citizen of the Cherokee Nation

Attorney for Cherokee Nation.

Cherokee No. R. 482.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
AUG 1 1 1932
ACTING CHAIRMAN.

J. P.

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 2123-1902
D. C. 6215- 1902.

L. R.S.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the applicat on of Bertha Fallingpot, R 482, for enrollment as an intermarried Cherokee citizen, is hereby rejected because she was married subsequent to the Cherokeelaw of December 16, 1895, quoted in decision in case of Ella Alberty.

Respectfully,

Thos. Ryan,

AActing Secretary.

D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 3, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

[illegible] COURT OF CLAIMS,
COMMISSION [illegible] CIVILIZED TRIBES
[illegible]
[illegible] 1[illegible]

ACTING CHAIRMAN.

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 8 1902

ACTING CHAIRMAN.

Cherokee R-482

Muskogee, Indian Territory, April 17, 1902.

Bertha Pallingyet,

[illegible]naw, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Commissioner in Charge.

Register.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-482.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Bertha Fallingpet, Cherokee No. R 482, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Cher R 483

Cher R 483

[illegible], as to applicant Ed Gwartney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Tahlequah, I.T., December 12, 1900.

In the matter of the application of Ed Gwartney for the enrollment of himself and children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

Q What is your name? A Ed Gwartney.
Q What is your age? A I will be 41 years old the 16th day of next March.
Q What is your post-office address? A Fryer Creek.
Q In what district do you live? A Goweeseeowee.
Q Are you a recognized citizen of the Cherokee Nation? A I have married a white woman now.
Q You want to apply for yourself? A I guess so.
Q Who else? A I want to apply for 5 children.
Q What is the name of your wife? A Susie Ward was her name before we married.
Q She a citizen by blood? A Yes sir.
Q Your present wife? A She is named Susie too.
Q Your first wife was a citizen by blood? A Yes sir.
Q When did you marry her? A 29th day of December 1891.
Q Have you got a certificate of marriage? A No sir.
Q What are the names of your children? A Carrie Jane.
Q How old is she? A She is 18 years old.
Q What is the name of the next child? A Mary Ann.
Q How old is she? A She is 12 years old I believe.
Q The next one? A Dolly, she is 10 years old.
The next one is Stella Edgar.
Q How old is she? A She is 7 years old.
The next one is Walter Edward.
Q How old is he? A He is 5 years old.
1898 roll page 209 #3.65 Susie Ward Goweeseeowee
1896 roll page 396 #432 Ed Gwartney Goweeseeowee
1896 roll page 165 #1906 Susie Gwartney
Q When did your first wife die? A She died in January 1899 I believe it was.
1896 roll page 166 #1907 Carrie J. Gwartney Goweeseeowee
1896 roll page 165 #1908 Mary A. Gwartney "
1896 roll page 165 #1909 Dolly Gwartney "
1896 roll page 166 #1910 Stella E. Gwartney "
1896 roll page 165 #1911 Walter E. Gwartney "
Q Your first wife was dead? A Yes sir.
Q Have you married since? A Yes sir.
Q What is your present wife's name? A Susie Gwartney.
Q She a white woman? A Yes sir.
Q When did you marry her? A On the 11th day of last January, 1900.
Q You say you have got no record of your marriage to your first wife? A No, my house burned up and burned the license.

Henry Grover, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Henry Grover.
Q How old are you? A 38
Q What is your post-office? A Tahlequah.
Q Do you know Mr. Ed Gwartney? A Yes sir.
Q You know his wife, Susan Ward? A Yes sir.
Q You know whether they were married or not? A Yes sir.
Q How do you know that? A I married them.
Q What position did you hold at that time? A I was district clerk.
Q Do you know whether there was a license issued or not, or was

Ed Courtney et al v.

A. Yes sir.

Q. You do [illegible] A. I formed [illegible] in mind.

Q. You had [illegible] in your hand when you married [illegible]

A. Yes sir.

[illegible]

Q. Did you live with Susan Ward until the time of her death?

A. Yes sir.

Q. Are these children [illegible] as White Men? A. Yes sir.

Court Re-direct. The name of Ed Courtney is found upon the census roll of 1896 as an intermarried white; he presents oral testimony as to his legal marriage with Susan Ward, a Cherokee citizen by blood, and the name of said Susan Ward is found upon the authenticated roll of 1880, also upon the census roll of 1896; he swears that by said marriage he has 3 children, named Carrie E., Mary A., Dolly, Stella E. and Walter E., and the names of said children appear upon the census roll of 1896; satisfactory proof is made as to their identity; applicant swears that his wife Susan Ward is deceased, and that since her death he married one Susie Harris, a white woman, in the year 1900, according to the laws of the Cherokee Nation, see Art. 366, provisions of said section, intermarried citizens who shall have died and [illegible] and afterwards intermarried with citizens, forfeit all their rights to Cherokee citizenship, consequently the application of said Ed Courtney for the enrollment of himself is refused; and the children as enumerated herein will be duly listed for enrollment as their citizens by blood.

I, [illegible], first duly sworn, state that stenographer to the Commission to the Five Civilized Tribes, do correctly record the testimony and proceedings in this case; that the foregoing is a true and complete transcript of his stenography in notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible] 15, 1900.

[illegible]

Commissioner.

R483

B

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 1 1900

CHAIRMAN.

Number of Applicant Taken under Code

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1909 1909

(411) Name Ed Guertney Major Creek Ind T.

District COOWESCOOWEE Year 1896 Page 306 No. 432

Citizen by blood no Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Wife's name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children

Rejected - married out

	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

R 1183

Commission to U.S. Civil Cases

FILED
MAR 4 1902

Acting Chairman

COPY.

Muskogee, Indian Territory, February 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Ed Gwartney, refused by the Commission under the provisions of the Act of Congress approved June 28, 1898, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 483, it is entitled Ed Gwartney, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

~~Acting Chairman.~~

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R.483.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER.

ALLISON L. AYLESWORTH,
SECRETARY.

(COPY)

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 483.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Ed Gwartney,

Pryor Creek, Indian Territory.

Sir:-

On the 12th day of December, 1900, you appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

It appears from the testimony in this case that you are a white man. You testify that on the 29th day of December, 1891, you were married to Susie Ward, a citizen by blood of the Cherokee Nation. You testify that your said wife died in January, 1899, and that on the 11th day of January, 1900, you married Susie Harris, a white woman. It appears from the testimony of Henry Covel that you were married to Susie Ward by authority of a Cherokee marriage license. You are identified on the Cherokee census roll of 1896.

In making rolls of citizenship of the Cherokee Nation this Commission is governed by the following provisions of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll

to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose names are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

This citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The provisions of the Cherokee law as applicable in this case are found on page 332 of "Laws of the Cherokee Nation" (1892), and are as follows:

"Sec. 666. Should any man or woman, a citizen of the United States, or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case all of his or her rights acquired under the provisions of this act shall cease."

In view of the facts herein it would appear under the foregoing provisions of the Cherokee law you have by your marriage to Susie Harris, a white woman, forfeited all such rights as you may have acquired by your former marriage to a Cherokee citizen, and it is considered that you are not embraced in that class of citizens described in the Act of Congress herein quoted as "intermarried white

persons entitled to citizenship under Cherokee laws."

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Inclosure.

Register.

By (Signed) [redacted]

[redacted].

Commissioner in Charge.

[illegible]

[illegible]

[illegible]

No.	Name	No.	Name
155	George H. Warren	180	William H. Stokes
172	George T. Gibbany	200	Frank Gorton
248	John Ross	201	John F. Rice
254	Enoch T. Parsons	229	Richard P. Harrington
261	Lambert P. Kimball	270	Dan Hall
276	Elizabeth Hall	292	William F. Gallaher, Jr.
326	Eliza T. Darby	297	Tamasha Youngblood
365	Edith Evans	422	Joseph A. Prather
426	Emily C. Hensley	450	Mary E. Jones
480	John K. Stevenson	451	Frank E. Garrison
487	Samuel T. Hartshorne	476	Lillie Hood
493	Ed Greenway	527	William J. Perkins
544	Samuel T. Newton	558	Mary E. Armstrong
627	Indiana Nathan		

Section 21 of the Act of June 28, 1898, (30 Stats., 495) contains:

Sec. 21. That in making rolls of citizenship of the several tribes, as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities and have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the claim of all other persons whose names are found on any other roll

and all such as may have been placed thereon by regard of the [illegible] authority of law, excepting only such as may have lawful right thereto, and their descendants born since such rolls were made, with such, intermarried white persons as may be entitled to citizenship under Cherokee laws.

Section 668 of the Cherokee laws is as follows:

Sec. 668. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the lawful wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be,) having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease.

This section covers the cases transmitted herewith.

These applicants were lawfully married to citizens of the Cherokee Nation in accordance with the laws of the Nation, and the original wife or husband having died they have each subsequent to the death of said citizen husband or wife married citizens of the United States.

The Dawes Commission found that said applicants were not entitled to enrollment as citizens of said nation, they having married out of the tribe thereby having lost the citizenship conferred upon them by reason of their former marriages to citizens of the Cherokee Nation. The office has considered the cases and believes the decision of the Commission is in each instance correct, and recommends its approval.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

E. A. T. (E.)

1.

L.R.S. 18082. F. J.P.

Department of the Interior,

Washington,

March 26, 1902.

I. T. D. 1801-1902.
D. O. 5551-1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date, rejecting the application of Adaline Abel for enrollment as a citizen of the Cherokee Nation by intermarriage, you are advised that the application of Ed Swartney R 485, is rejected, as held by you in your decision of February 14, 1902, because he forfeited his right to enrollment by intermarriage after the death of his Cherokee wife, with a person not a citizen of the Cherokee Nation.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

DEPARTMENT OF THE INTERIOR,

Washington,

I. T.D.1759-1902. March 20, 1902.

CRW

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February [illegible] 1902, you transmitted the record in the matter of the application for enrollment of Adeline Abel as a Cherokee citizen by intermarriage-R 20.

It appears that the applicant's name is on the 1880 authenticated Cherokee roll; that she was at that time married to a Cherokee citizen who died in 1883; that she married a noncitizen of the Cherokee Nation in 1884, and this husband having died, she married in 1891 another noncitizen.

Referring to the provisions of section 21 of the act of June 28, 1898, (30 Stats., 495), which directs that your Commission shall enroll "such intermarried white persons as may be entitled to citizenship under Cherokee laws," you rejected the application because the Cherokee law of October 15, 1855 (see "Laws of the Cherokee Nation" published by the act of the National Council in 1892), provides:

" Sec. 000. Should any man or woman, a citizen of the United States or of any foreign country, become a citizen of the Cherokee Nation by intermarriage, and be left a widow or widower by the decease of the Cherokee wife or husband, such surviving widow or widower shall continue to enjoy the rights of citizenship, unless he or she shall marry a white man or woman, or person, (as the case may be), having no rights of Cherokee citizenship by blood; in that case, all of his or her rights acquired under the provisions of this act shall cease".

The Acting Commissioner of Indian Affairs March 21, 1902, transmitting the case with others, recommended that your decision be concurred in.

The claimant, as held by you, by virtue of the Cherokee law, forfeited her rights to enrollment as a Cherokee citizen by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed. A Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell,

Acting Secretary.

E.M.D.

1 inclosure.

The Acting Commissioner of Indian Affairs March 31, 1902, transmitting the case with others, recommended that your decision be concurred in.

The claimant, as held by you, by virtue of the Cherokee law, forfeited her rights to enrollment as a Cherokee citizen by intermarriage after the death of her Cherokee husband, with a person not a citizen of the Cherokee Nation, and your decision is affirmed. A Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

F. L. Campbell.

Acting Secretary.

E.M.D.

1 inclosure.

[redacted]

[redacted], April 14, 1908.

Mr. Ed Crowley,

Tryon Creek, Indian Territory,

Sir:

We are hereby advised that the Commissioner's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 20th day of March, 1908.

Very respectfully,

[redacted] M. George,

Enclosure.

[redacted]

Washington, Indian Territory, April 14, 1908.

Mr. Ed Overbey,
Tyner Creek, Indian Territory.

Sir:

You are hereby advised that the President's decision of February 14, 1908, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 10th day of March, 1908.

Very respectfully,

Commissioner in Charge.

Enclosure.

COMMISSIONERS
MERRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-495.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Ed Swarney, Cherokee No. R. 495, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 26 day of March, 1902.

Very respectfully,

Commissioner in Charge.

Cher R 484

Cher R 484

REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 12th 1900.

In the matter of the application of James M. Payne for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said Payne being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A James M. Payne.
Q How old are you? A I am 34.
Q What is yourpost office address? A Hudson.
Q In what district do you live? A Ceeweescoowee.
Q Who is it you want to enroll, yourself and family? A Myself and children.
Q Youhave no wife? A My wife is adopted.
Q Do you apply for your wife also? A Yes, sir.
Q How many children? A Four.
Q Are you a Cherokee by blood? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A No, sir.
Q How long have you lived in the Cherokee Nation? A I was born here and my father went away in 1877.
Q Were you readmitted? A I made application and it was never taken up in the Senate. It was passed on in the lower House.
Q It never became a law? A No,sir.
Q Did you ever apply to the Dawes Commission? A Yes, sir.
Q Are you on any of the rolls of the Cherokee Nation? A On the 1894, '96 and '74.
Q And did you get on the 1894 and 1896 rolls after the Cherokee Nation would not allow you? A I made application in 1893 as other people did.
Q When did you apply to the Cherokee Council? A In 1893; on the 1896 roll, I appeared before the Commission that was appointed for that purpose.
Q When was it you say you left the Cherokee Nati on? A '77.
Q And returned in 1893? A Yes, sir.
Q Where did you live between 1877 and 1893? A In the State of Kansas
Q You were making your home there regularly them? A Yes, sir, then
Q Up to 1893 you were voting there as any citizen of Kansas? A Yes, sir.
Q You did not claim citizenshi p in the Cherokee Nation unti l 1893? A No, sir, since I went away.
Q You staid until you were 29 years of age, until '93? A Yes, sir.
Q Were you married in the State of Kansas? A Yes, sir.
Q To this wife? A Yes, sir.
Q Were all of your children born in the State of Kansas? A I had two born there; two were born in Kansas, one whil wex were on a visit there.
Q Did you ever apply to the Dawes Commission for admission to Citizenship? A No, sir, we did n ot apply to the Dawes Commission.
Q Give me the name of your wife? A Mary Alice.
Q How old is she? A She is 31.
Q When did you marry her? A 1890.
Q Have you a certificate of your marriage? A Yes, sir.
Com'r:--The applicant presents a certificate showing that he was united in marriage to Miss Alice Lopeman on the 23d of February, 1890, according to the laws of the State of Kansas, by the Rev. Winfield S. Newell. This is recorded in Coweescoowee district and is filed herewith.
Q Were you ever married except to this wife? A No, sir.
Q Was she ever married except to you? A No, sir.

James M. Payne--2.

Q Has she lived with you ever since you were married? A Yes,sir.
Q Give me the names of your children? A Edna Ethel.
Q How old is that child? A Ten years old.
Q The next child? A James Everett.
Q How old is he? A Seven.
Q Your next child? A Leonard W.
Q How old is that child? A Four.
Q The next child? A Freddie Leroy.
Q How old is that child? A Two years old.
Q These children are all living now are they? A Yes, sir.
1896 Roll; page 233, #3803, James M. Payne, Cooweescoowee.
1896 Roll; page 319, #782, Mary E. Payne, Cooweescoowee.
1896 Roll; page 233, #3804, Ethel Payne, Cooweescoowee.
1896 Roll; page 233, #3807, James E. Payne, Cooweescoowee.
1896 Roll; page 233, #3806, Leonard Payne, Cooweescoowee.
Q You came back here in 1893? A Yes sir.
Q Have you lived here continuously since you came in 1893? A No, sir.
Q When you came in 1893, how long did you stay here? A I staid here until 1898.
Q What time in 1898? A December.
Q And then what did you do? A I went to Kansas then. I was a Photographer, I went there on business, besides my wife had some land there.
Q How long did you stay there? A I remained there until three weeks ago. I have improvements in Cooweescoowee district, near Hudson. I write to the Commission when I went away asking their advice.
Q You were up there in 1898 and staid there until three weeks ago? A Yes, sir:
Q Had you been voting there? A No, sir, I thought I was a citizen here and did not vote.
Q You retained interests here? A Yes sir, I was a farmer before I left.

It seems from your testimony that you made Kansas your home up to the time you were 29 years of age, in 1893, being in ever way a recognized and identified citizen there, and your simply getting on the roll on coming back here did not make you a citizen. Youhave never been readmitted by the Cherokee Council or Dawes Commission.

Applicant:--We made application and it went before the Lower House and it never was sent to the Senate and was never passed. We did not follow it up and my mother was away and I wrote to her to get a certi ficate so that I could applyto the Dawes Commission and she advised me to let it alone.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and four children: He states that he is a native of the Cherokee Nation but left the Nation with his father's family when he was quite young, in 1877, and remained in the State of Kansas until 1893, at which time it appears he returned to the Cherokee Nation and was then 29 years of age. He has considered the Cherokee Nati on his home since 1893, but he returned to Kansas in December, 1898, and only returned to the Cherokee Nation some three weeks ago. He is identified on the roll of 1896, but it appears that he never applied to the Dawes Commission for admission to citizenship He did apply to the Cherokee Council for readmission to citizenship but his application failed to pass. It is considered therefore that the applicant's enrollment in 1896, or any other enrollment under the circumstances, he not being upon the roll of 1880, is not sufficient evidence of his citizenship, and he is not entitled to enrollment at this time under the present laws, and the application, therefore, for his enrollment is rejected, he being classed as a Cherokee by blood.

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ON TO THE FIVE CIVILIZED TRIBES
FILED
DEC 13 1900

James M. Payne--3.

He states that he and his wife were married on February 23d, 1890. This is established by the certificate filed herewith. Neither was previously married, and she has lived with him ever since. She is identified on the roll of 1896, but in accordance with the decision rendered inthe case of her husband, she is not considered t o be entitled to enrollment at this time. She will be classed as a Cherokee by adoption, but the application for her enrollment is rejected.

Of the children named in the testimony the first three are identified with their parents on t he roll of 1896. They are minors and are living, but they are not to possess rights not possessed by their parents, neither of whom are considered to have possessed any right to citizenship at the time of the birth of any of these chi ldren, and t herefore, these three children will be classed as Cherokees by blood, but the application for their enrollment is rejected. When the applicant files a certificate of the birth of the youngest child, Freddie L. Payne, this child will also be listed as a Cherokee by blood, but upon a rejected card, the application for his enrollment being rejected.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 13th day of December, 1900.

C A Mecklenburg

Commissioner

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
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CHAIRMAN.

8

Statement of Applicant Taken Under Oath.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1909 1909.

(36) 7 Name James M. Payne Hudson, I.T.

District Coowescoowee Year 1896 Page 233 No. 3803

Citizen by blood yes Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

(31) 2 Wife's name Mary A. Payne

District Coowescoowee Year 1896 Page 319 No. 787

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children.

3 Edna E. Payne	Dist. Coowescoowee	Year 1896	Page 233	No. 3804	Age 10
4 James E. Payne	Dist. "	Year 1896	Page 233	No. 3805	Age 7
5 Leonard W. Payne	Dist. "	Year 1896	Page 233	No. 3806	Age 4
6 Freddie L. Payne	Dist.	Year	Page	No.	Age 2
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age
	Dist.	Year	Page	No.	Age

Rejected

No 3 on 1896 roll as Ethel Payne

" 5 " 1896 " " Leonard Payne

No 6 - affidavit of birth to be supplied

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[illegible]ISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

"6"

Recorded on Page 230

Book "E"

RECORD OF ~~IMPROVEMENTS~~ Marriages OF

Coowee-coowee District, C. N.

Joel M. Lakey Clerk.

COOWEESCOOWEE DISTRICT.

By R. Lee Comer
Dep'y Clk

Marriage Certificate.

This Certifies that Mr. James M. Payne
and Miss Alice Lapeman were by me

UNITED IN MARRIAGE

on the 23 day of February A. D. 1896, at Residence
according to the laws of the State of Kansas.

Winfield S. Howel
Minister of The Gospel

CITIZEN PRINT, PARSONS, KANSAS.

(C O P Y)

IN RE
Application for Enrollment of
INFANT CHILD

Freddie Leroy Payne
as a citizen of
Cherokee. Nation.

Approved January 16, 1901.

C. R. Breckinridge,
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jan. 16, 1901.
Tams Bixby,
Acting Chairman.

Cherokee R 484

(C O P Y)

IN RE
Application for Enrollment of
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Freddie Leroy Payne
as a citizen of
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Approved January 16, 1901.

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Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
Jan. 16, 1901.
Tams Bixby,
Acting Chairman.

Cherokee R 484

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

AN AFFIDAVIT FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Freddie Leroy Payne (Give name of child), born on the 8th. day of September, 1898

Name of Father: James M. Payne a citizen of the Cherokee Nation.

Name of Mother: Mary A. Payne a citizen of the Cherokee Nation.

Postoffice Hudson, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Mary A. Payne, on oath state that I am 31 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of James M. Payne, who is a citizen, by blood, of the Cherokee Nation; that a male (Male or Female) child was born to me on 8th. day of September 1898; that said child has been named Freddie Leroy Payne, and is now living.

Mary A. Payne.

Witnesses to Mark:

(Two to Witnesses)

Subscribed and sworn to before me this 5th. day of December, 1900

My Commission Expires Sep. 12, 1903.

S. S. Bayless, Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Lydia Lopeman, a Midwife, on oath state that I attended on Mrs. Mary A. Payne, wife of James M. Payne on the 8th day of September, 1898; that there was born to her on said date a male (Male or Female) child; that said child is now living and is said to have been named Freddie Leroy Payne.

Lydia Lopeman.

Witnesses to Mark:

(Two to Witnesses)

Subscribed and sworn to before me this 10 day of December, 1900.

Wm. A. Ilen, Notary Public.

Com. Ex. May 4, 1901.

FPB
36

Cherokee-R-484.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of James M. Payne et al. as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 12, 1906 James M. Payne appeared before the Commission, at Tahlequah, Indian Territory, and made application for the enrollment of himself, his wife, Mary Alice Payne, and his minor children, Edna Ethel, James Everett, Leonard W., and Freddie Leroy Payne, as citizens by blood of the Cherokee Nation. The rights of the said Mary Alice Payne, being differently classified, are not passed upon in this decision.

The evidence in this case shows that the principal applicant, James M. Payne, was born in the Cherokee Nation, and at the time of his application for enrollment was about 36 years of age; that in 1877 his father removed from the Cherokee Nation to the state of Kansas where the principal applicant grew to manhood and continued to reside and exercise the rights of citizenship until he was 29 years of age, when, in 1893, he returned to the Cherokee Nation where he lived until his return, in 1906, to Kansas; and that on February 25, 1900 he was married, under the laws of the state of Kansas, to his said wife, Mary Alice Payne. As the issue of this marriage, the minor applicants herein were born.

All the applicants herein are identified upon the 1896 Cherokee Census Roll, with the exception of Freddie Leroy Payne on whose behalf a birth affidavit is filed with and made a part of the record in this case.

Section Two of Article One of the Constitution of the Cherokee Nation provides in part:

> "..... That whenever any citizen shall remove, with his effects, out of the limits of this nation and become a citizen of any other government, all his rights and privileges as a citizen of this nation shall cease, provided

nevertheless, that the National Council shall have power to readmit .....'

It does not appear that the principal applicant, James M. Payne, after his return to the Cherokee Nation, was ever readmitted to citizenship in said nation by the legally constituted authorities thereof, neither does it appear that he has ever been admitted as a citizen of said nation by the Commission to the Five Civilized Tribes, nor by the United States Court for the Indian Territory, under the provisions of the act of Congress approved June 10, 1896.

The Commission is of the opinion that whatever rights James M. Payne might have had, they were forfeited by his becoming a citizen of the state of Kansas, and that he never acquired citizenship in the Cherokee Nation during his said stay therein, from 1895 to 1898. The rights of the minor applicants herein depend upon that of their said father.

It is, therefore, the opinion of this Commission that the names of these applicants appear upon the 1896 Cherokee Census Roll without authority of law, and that the application for the enrollment of James M. Payne, Edna Ethel Payne, James Everett Payne, Leonard W. Payne, and Freddie Leroy Payne as citizens by blood of the Cherokee Nation should be denied, in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JUN 1 . 1905

Department of the Interior,
Commissioner to the Five Civilized Tribes

In the matter of the application for the enrollment, as citizens by intermarriage of the Cherokee Nation, of James Watson, et al.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That prior to October 31, 1902, applications were received by the Commission to the Five Civilized Tribes for the enrollment, as citizens by intermarriage of the Cherokee Nation, of the following named persons who are listed for enrollment as citizens by intermarriage of the Cherokee Nation on the Cherokee Enrollment cards corresponding to the numbers following their respective names, viz:

James Watson	5	Scott Harless	294
Benjamin W. Williams	8	Emma Phillips	307
Lena Severs	19	John Whisenhunt	350
Sarah E. McCay	21	Tilman Chance	373
Joseph Herberger	23	Thomas A. Sheffield	384
Laura Henson	43	Vester C. Martin	388
William W. Barnes	48	William Grigsby	417
Georgia Wood	54	William J. Largen	508
Walter A. Edens	62	Joseph P. Willis	584
Adda B. Ward	69	James T. Miller	598
Samuel G. Victor	73	George A. Waters	632
Sarah M. Thomas	109	Jenette Messer	666
William B. Watson	165	Joseph A. Patton	679
William H. Ford	173	Benjamin G. Holland	763
Thomas N. Wilson	185	William Gordon	798
Ulsie Ann Smith	206	Maggie Patterson	804
Susan M. Perry	208	Martha M. Bruner	832
Gertrude Palone	224	Emma Morris	842
Hugh Willis	229	Susie Fivekiller	857
Mary A. Wilkie	248	John F. Carden	861
John W. Thurman	282	William H. Barrow	867

Mary Pettit	977	Millie Morton	1554
Bettie Mitchell	985	Andrew Walters	1573
John J. Harrison	993	John H. Holder	1610
Jasper N. Bateman	1029	Mary M. Burr	1612
Susan Ballard	1065	Thomas E. Bonham	1644
Lucy Eva Simmons	1073	Florence Headrick	1663
Ellen Thornton	1089	Daisy B. Brewer	1709
Sarah E. Hair	1090	Annie Cordrey	1717
Norman S. Drake	1092	Adam Eckert	1722
Susan Hogg	1094	Isaac Timmons	1726
David L. Scott	1099	Gent Gibson	1727
James C. Taylor	1111	Amos Anderson	1731
Roxie Shepard	1128	William J. Mounts	1734
Robert G. Elgin	1136	James D. Alexander	1745
William Hall	1137	Willis E. Miles	1769
Mary Ella Lattimore	1141	Lora Adair	1781
Maggie J. Keys	1149	John Yarborough	1796
Joseph M. Correll	1177	Lillie M. Dassler	1802
Jane Ratley	1225	Bryant C. Redington	1804
George E. Norton	1234	Malisa A. Maxwell	1808
Mahala D. Thompson	1247	Richard Dukes	1811
Charles M. Trammel	1264	Fannie Pettit	1816
Flora Carlile	1265	Genevia Pool	1817
William H. Norrid	1275	Mollie Crossland	1822
Olivia Benge	1276	Lizzie Benge	1828
Dollie Wilson	1278	John H. Welty	1847
Moses Bell	1279	Edward P. White	1884
Sarah Fleetwood	1290	Lauren P. Green	1887
Rosa E. Fargo	1299	Charles Rosser	1898
William M. Oliver	1333	Fay Adair	1913
Andrew J. Couch	1340	Henrietta Irving	1920
Lina Hyles	1347	Bird Trippard	1925
Mary M. Miller	1350	John C. Carlile	1937
Mary E. Taylor	1368	John W. Gilstrap	1954
Polly Ann Benge	1369	Sarah Young	2018
Margaret Moton	1385	Nancy A. Coleman	2049
Minnie McKinney	1390	James N. Whisenhunt	2118
Nettie Seabolt	1418	Hiram Stephens	2157
Lawrence G. Faulkner	1433	Asa L. Guinn	2159
Sarah A. Holt	1449	Rebecca J. Flying	2172
Jennette Polecat	1492	Thomas J. Measles	2192
Ellen Seabolt	1508	Julia Coody	2215
Charles W. Nettles	1509	Sarah Crutchfield	2224
Lena Sittingdown	1511	Henry E. Lee	2251
Tim Creeden	1513	Sarah Gritts	2256
Odie Pidcock	1517	John A. Madden	2261
Silas A. Saterfield	1529	Henry C. Pennel	2271
Laura J. Jeremiah	1530	Matilda S. Cleland	2302
Etta Hicks	1540	Dora A. Frazier	2312
Mary A. B. McKinney	1550	Laura B. Cordrey	2320

Lafayett D. Kindred	2328	William A. J. Trotter	3257
Pearl V. Sisson	2339	Albert P. Goforth	3298
Nancy J. Sevier	2380	Anna B. Martin	3307
Mollie Hair	2385	William Brown	3344
Dora Sayers	2474	Jennie B. Bluejacket	3345
William T. Jones	2501	William Little	3377
Sarah L. Martin	2502	Julia M. A. Russell	3386
William J. Shoemaker	2506	Andrew J. Smith	3393
Maud Baldridge	2511	William N. Blakemore	3396
James L. Townsend	2513	Lizzie Denton	3417
George L. Morgan	2568	Belle Hudson	3435
Andrew A. Brown	2575	Thomas S. Heady	3437
Louis K. Fair	2623	William M. Roseborough	3444
James L. Mitchell	2644	Madison G. Hawkins	3467
Martha E. McNair	2659	Japhat F. Ellis	3491
Millard F. Eggleson	2668	Emma McAffrey	3543
Elisha M. Gray	2686	William T. Huitt	3570
Jessie M. Ballard	2694	Myra F. Chouteau	3580
Annie Mayes	2798	Phillip Donohoo	3581
Belle Sixkiller	2809	Fred L. Kelley	3593
James P. Riley	2825	Annie Herod	3594
William Broaddus	2854	Maggie V. Fields	3615
~~William A. Martin~~	~~2865~~	~~Lou Payne~~	~~3616~~
Joseph Q. Buchanan	2888	Frederick W. Strout	3692
Marcellus L. Baker	2905	Andrew L. McCamish	3713
Etta M. Hill	2915	Sarah Dirtthrower	3731
John R. Smith	2922	William P. Coble	3758
Ira W. Wallen	2926	Robert L. Madison	3761
John B. Laurence	2959	Mariah McDowell	3795
Lula O. Hitchcock	2961	Elizabeth R. Thornton	3811
Bell L. Muskrat	2975	Donithan A. Wilson	3841
Eliza O'Field	2977	Charles F. Covey	3868
Margaret Suagee	2993	Tamsey M. Williams	3886
Winfield S. Nance	3007	Mary J. Wolfe	3889
Benjamin F. Kelley	3010	Lathan Lumbard	3891
Mollie Daugherty	3039	Micajah P. Haynes	3897
Charles H. Leatherman	3043	Annie L. Wingfield	3903
Alice A. Edwards	3100	Mary Fields	3907
Dorinda Adair	3106	William W. Dudley	3944
William R. Gray	3118	Minnie M. McLaughlin	3950
Dora B. Caulk	3143	Henry B. Lindsey	3978
Jesse M. Gallman	3161	Wilbert H. Parkison	3999
Martha E. Garrett	3162	Seth R. Hall	4011
Artie E. Large	3164	Wiley Hanna	4016
Andrew A. Kelley	3191	Martha M. Woods	4093
Anna B. Ryne	3193	Lizzie Gray	4117
Eliza Henderson	3198	Nancy C. Carey	4131
David E. Jenkins	3212	Annie E. Kenney	4165
Lizzie Falling	3233	William H. Ward	4169
Robert L. Payne	3252	Nannie Brewer	4180

Nancy J. Kinney	4225
Sydney E. Bell	4232
Isaac H. Jordan	4235
Charles Parks	4244
Dora Frenchman	4262
James R. Fugate	4275
Maud Adams	4277
Elizabeth Black	4281
Anna Thornton	4292
Robert T. Morrison	4294
Perley Israel	4295
William A. Long	4304
Mollie Swannock	4319
Frances Guess	4324
Allen H. Gibson	4327
John McFall Jr.	4343
Albert W. Fitzsimmons	4360
George S. Ford	4386
Quinn Carr	4387
William A. Powell	4390
Austin Hasley	4400
Anna Bible	4414
Elizabeth Riley	4428
John P. Sudderth	4449
Anderson Keen	4450
Ida M. Adams	4451
Martha J. Randall	4457
Mollie Conner	4477
Jane McGhee	4491
Jennie Riley	4525
Hannah Randall	4528
Charles W. Childers	4542
Nannie B. Riley	4543
John W. McDaniel	4544
Minnie Armstrong	4548
Ada Chouteau	4549
Mary Thompson	4571
Ota Armstrong	4593
Mary Spencer	4594
Clarkson F. Woody	4603
James M. McConnell	4604
Annie E. Coker	4605
Jennie Long	4606
Julia Gilstrap	4607
Laura E. Smith	4608
Annie Nicholas	4609
Minnie R. Taylor	4611
Mary E. Rogers	4614
Emma Downing	4615
William Steere	4619

Roxie J. Ketchum	4623
Lizzie Love	4626
Robert K. Wann	4632
Frederick Metzner	4633
John C. Bratcher	4634
Piqrow L. Jones	4641
Ada Bertholf	4642
Alice Robbins	4644
Jane Dougherty	4649
Samuel Francis	4650
Clemon C. Peek	4652
Mont C. Frazier	4653
Frank J. Mayberry	4656
Charles W. Moore	4660
Jefferson D. Edmondson	4661
Alonzo H. Boone	4662
Thomas C. Mock	4668
Sallie Allison	4669
Elizabeth E. Burgess	4671
LaFayette Breeden	4673
James M. Boling	4676
Francis A. Neilson	4681
John F. Smith	4689
Rufus S. Steward	4691
John I. Haddock	4694
Maggie O. Walkley	4695
George W. Talbert	4698
Mary Miller	4700
Henry C. White	4707
Mattie E. Hill	4760
Alice A. Bible	4772
Katie Coker	4785
John Creek	4801
Ruby R. Bean	4804
William J. Dodson	4836
Blackburn Reed	4882
Viola Lowther	4891
William B. Ritchson	4910
Henry D. McDonald	4950
Della McDaniel	4956
Dorothy Rattlinggourd	4991
Ida McCay	5093
Henry M. Lyon	5100
Alice J. Wofford	5101
Nancy Morris	5137
Ella Sullivan	5140
Winfield Williams	5144
Bessie M. Smith	5145
May Humphrey	5207
Dennie Burgess	5226

Nora B. Burgess	5236
John E. Etter	5239
Harriette Rogers	5240
Amanda Foreman	5244
William H. Wells	5261
John T. Gaylor	5266
Annie Sweeten	5269
Rosalee Hendricks	5278
Emma Chambers	5328
James H. Thomas	5329
Melville B. Baird	5332
James R. Goodall	5356
Charles Horton	5390
James W. Goddard	5417
Dora Cox	5425
Nannie G. Alberty	5428
Sallie Ward	5455
William H. Sutherlin	5484
Lizzie Hall	5487
Cyrus B. Essex	5489
Eda Taylor	5493
Laura Taylor	5494
Elector D. Miller	5496
Emberson M. Arnold	5498
Stella Henry	5499
William E. Oneal	5506
John M. Sharp	5509
John L. Davis	5514
Sarah E. Downing	5518
Samantha C. Glass	5524
Harry Jones	5525
Aggie Paris	5532
James W. Hallford	5535
Phoebe Coker	5537
Anthony K. Douglas	5538
Joseph H. Johnson	5541
Harvey O. Riggs	5547
Alice Glass	5553
Addison Reeves	5566
Alice Coats	5572
Julia Kidd	5575
William R. Greer	5576
Rosa M. Sixkiller	5581
Nancy Inlow	5587
Daisey H. Owen	5599
Annie R. C. Owen	5600
Jesse McKnight	5602
Cicero J. Strange	5610
Henry Westenhaver	5611
Emma H. Roach	5612

William A. Polson	5613
Pauline P. Pitcher	5614
Charley Headrick	5615
William N. Stinson	5616
Lenora A. Henry	5621
Effie M. Adams	5622
John H. Shimp	5624
Thomas B. Dickson	5625
Minnie Henry	5628
Thomas J. Simpson	5629
Cap L. Lane	5630
Reuben E. DeLozier	5631
John Heape	5640
Perry G. Brock	5645
Mary J. Newcomb	5650
George W. Seigel	5660
Martha A. Parks	5666
Zelda C. Mills	5674
Lizzie Rogers	5675
Emma Pigeon	5676
Nellie Bluejacket	5677
Lucy Bacon	5679
Thomas B. Wood	5681
Asa W. Simerson	5683
William J. Kuhn	5686
Elsie Couch	5688
William H. Robinson	5692
Rachel Washington	5693
Isaiah B. Blackwood	5700
John R. Johnson	5701
Dennis W. Smith	5702
William H. Chesnut	5705
William H. Durham	5707
Albert B. Buckmaster	5710
Maud Crutchfield	5730
Joseph S. Layne	5731
Lena Bell	5737
Juan N. Corn	5748
Robert N. Crafton	5750
Benjamin F. Coffee	5756
Frank McSpadden	5760
Charles D. Pendleton	5775
Harden H. Green	5776
Emma J. Ward	5778
Robert C. Fuller	5781
Henry F. Extine	5796
Ida Wyly	5802
Richard L. Fite	5815
Edward Lutz	5816
John F. Woodworth	[illegible]

Horace H. Huddlestun	5832
William R. Sartain	5837
Joseph A. Lawrence	5843
William H. Hinton	5846
Joseph Lehr	5851
Euin M. Young	5852
Mary C. Barnes	5853
Matilda Thompson	5861
William W. Young	5872
Earley F. Ellis	5874
Rosa B. Alberty	5877
Sarah Cannon	5879
Mamie Beck	5887
Jack H. Merchant	5888
John D. Merchant	5889
Sarah E. Ghormley	5894
Jerry Young	5906
James H. Brickey	5916
Mary Hicks	5919
George W. Weems	5922
Albert Crain	5923
James M. Jones	5932
Alfred W. Shelly	5935
John M. Stratton	5936
Waddie Hudson	5937
Robert C. Johnson	5939
Mary T. Thompson	5941
Edith A. Parris	5943
Addie Hubbard	5949
John A. Lowry	5962
John R. W. Brantley	5963
James T. Carroll	5964
Christopher F. Jordan	5965
Minerva E. Stover	5966
John W. Twilley	5967
Joseph W. Mounce	5970
Cornelius P. Potter	5971
Amanda C. Thompson	5972
John M. Rusk	5976
Harrison L. Hughes	5978
Silas B. Dildine	5983
Lewis M. Payne	5985
Nancy Beamer	5988
Sarah F. Selvidge	6002
Posy F. Buckner	6005
John A. Moreland	6010
Alice Welch	6015
Mary C. Thompson	6022
Ida Beck	6029
William R. Tittle	6030

George C. Duffield	6031
Amelia Reese	6033
Alexander West	6036
John Tootle	6037
Florence G. Langley	6038
John T. Ham	6042
Mary L. Jordan	6048
John W. Bradshaw	6076
James L. Dean	6079
Amanda J. Thompson	6082
Malissa Hubbard	6089
Jane Benge	6111
John D. Ryals	6113
John C. DeLozier	6117
Jessie Willis	6118
Mary A. Clark	6124
Mary J. Tipton	6126
Leander Newton	6136
William A. Qualls	6138
Henderson B. Thomas	6144
Hugh T. Watkins	6163
Nancy Keys	6172
Berry Hutchins	6186
Eli Parker	6189
Sarah E. Shaw	6194
Julia Keys	6211
Boon J. Grey	6214
John Grubb	6216
William M. Costephens	6230
Jane Bean	6232
Lillie I. Taylor	6236
Abbie B. Adair	6239
Mack C. Watkins	6246
Robert W. Murray	6261
John G. Petty	6269
Lucinda Poorboy	6279
Sarah Mayes	6286
Henry W. Pyeatt	6300
Isaac A. Wilson	6308
John T. Hall	6310
Edward L. King	6315
Katie Still	6325
Emmer Carlile	6338
Bird Webster	6347
Fannie Morris	6353
Leonard Lee	6357
James R. Miller	6362
James Brackett	6370
Nora Allen	6371
John T. Washington	6373

James J. Snider	6375
William H. Winget	6376
Ida R. Wilkerson	6383
George A. McBride	6385
Matilda Cookson	6387
William A. Fisk	6392
William O. Ames	6394
Thomas Wilkerson	6396
Alice C. Springston	6407
Fanny N. Witt	6413
Lillie M. Adair	6424
Mark F. Matheson	6428
Ida L. Wilson	6431
George E. Marrs	6441
Ulysses S. Reeves	6443
Daniel A. Smith	6447
Henry J. Dawson	6450
Sarah Adair	6452
Ida F. Wilson	6455
Mary E. Taylor	6459
Catherine Henson	6468
Charles C. Fitzsimmons	6471
Mary E. Campbell	6476
Columbus N. Long	6478
Mary Wilkerson	6480
Myrtle Ward	6484
Belle Manus	6499
Martha E. McLain	6508
Mary A. Brown	6517
Marion M. Ballew	6530
Mellie Mayfield	6540
Sarah Blevins	6541
Frank Powell	6542
Georgia Jackson	6546
Leonard S. Simpson	6549
Almira Ussrey	6560
James McInerney	6561
Fannie Carlile	6578
Sadie A. Mayfield	6580
Silas A. Bryan	6581
William S. Martin	6585
Emma J. Thompson	6589
Lydia McDaniel	6593
David W. Lamb	6595
Gus R. Hart	6603
Poca Phillips	6632
Lois E. Daniel	6678
William W. Turner	6689
Lillie B. Blackstone	6714
Mary Lillard	6715

James L. Lee	6717
Rosa Phillips	6723
Kate Brown	6735
Laura B. Barnett	6743
Elizabeth Sanders	6745
William T. Neff	6747
William R. Scott	6751
Laura Fish	6770
Maggie Ketcher	6779
Dora A. McDonald	6783
Rosia B. Willis	6785
Daniel Hubbard	6787
Mary R. Tadpole	6801
Magnus A. McSpadden	6811
Sarah F. Pathkiller	6824
Clora Twist	6845
Mattie M. Welch	6846
Cora Griffin	6850
John S. Hyatt	6853
Jefferson K. Tyner	6855
Flora R. Miller	6859
Lizzie Craig	6872
Jacob C. Johnson	6876
George W. Ware	6897
James B. Deatherage	6901
Lucinda F. Hartness	6943
Frances E. Tehee	6961
James M. Burt	6965
Rady Tipton	6975
Laura Hendricks	6976
Laura V. Smith	6979
Lorenzo C. Darnell	6988
Robert M. Mitchell	7004
William Henry Reeve	7005
James Pyle	7009
Willie Hilderbrand	7015
Alice M. Roberson	7031
Charles Morris	7043
Minerva J. Trent	7051
John H. Keith	7078
Katie E. Ratley	7080
Etta Patrick	7081
Nannie Martin	7090
Rosa B. Harris	7094
Samuel Brown	7100
William H. Turner	7101
Florence Mayes	7104
Maggie McCoy	7112
Mary Belle Cordry	7113
Benjamin Haner	7119

James Maher	7128	Robert B. Collins	7556
Terry A. Parkinson	7146	Nancy I. Brown	7579
Cora L. Hanks	7147	Mary B. Walkingstick	7642
Otto J. Zufall	7149	Robert T. Kelleam	7653
Rufus M. Norman	7155	Mollie Morton	7797
Mary F. Foreman	7158	Mattie Girty	8006
Alma West	7159	Mack Alfred	8015
James M. Connally	7161	Ida Harmon	8016
Francis M. Crowell	7163	Ida McCoy	8417
Fannie E. McClure	7171	Rosie Foreman	8903
Benjamin B. Graham	7176	Annie Jackson	9034
Ada Phariss	7180	Margaret T. Langley	9092
William L. Whisenhunt	7184	Ida M. Davis	9266
Frances B. Perry	7191	Nora Crapo	9289
Philip Shultz	7210	Margaret Harmon	9378
Hester A. Miller	7212	Mary B. Langley	9438
Minnie B. Edmonds	7213	Ella Gravitt	9439
Eliza Jordan	7217	William M. Wilson	9444
William T. Ross	7218	David O. Scott	9446
Thomas M. Price	7225	Harriett Forbes	9447
James G. Wilson	7231	John Carver	9449
Frank Rhomar	7263	Thomas J. Davis	9451
John W. Thompson	7267	Clara M. Boudinot	9453
Melissa Booth	7271	Mary E. Keys	9454
Solon L. Jackson	7273	John G. Ainsworth	9456
Henry W. Coughran	7282	Mary J. Christy	9460
Sarah Ross	7291	Malinda Seabolt	9462
Mary S. Smith	7322	Mary Cumpton	9464
John A. Martin	7323	Mollie P. Mulkey	9465
Myrtle Robinson	7330	Andrew Brimmer	9467
Allen L. Buckner	7331	James F. Flippin	9471
James L. Goad	7350	William Bird	9473
Elijah Johnson	7351	Mollie C. Forbes	9476
Mary E. Kimbrough	7360	William H. Thomason	9478
Jennie Burr	7367	Mollie Devine	9481
Kiassy Sapsucker	7378	Mary P. Guthrie	9482
Sarah J. Johnson	7394	Detlev N. Leerskov	9484
William I. Branan	7409	Nannie Cowart	9485
Wyatte T. Brady	7412	Leona Catcher	9489
Lena O. Holderman	7413	Alexander B. Clapp	9502
Mary F. Hummingbird	7420	Tennie Sanders	9503
Bertha A. Allen	7425	Virgil A. Wiltshire	9505
Robert J. Tyner	7426	Joshua K. Carr	9510
Fannie B. Martin	7434	Herbert Knoeland	9518
Myrtle Wolfe	7435	Hugh E. Hope	9519
Mary Blevins	7479	Thomas J. Ritter	9522
Sarah Ketcher	7488	Maggie Baldridge	9529
Charles D. England	7512	James R. Poindexter	9535
May Cochran	7544	Maud Foreman	9539
Rebecca Ogleby	7549	Belle Bryant	9542

Joseph P. Smith	9550	William G. Brown	9879
George E. Watkins	9552	John B. Delay	9881
Florence Henry	9553	Pairlee Thompson	9882
Jesse H. Johnson	9560	Guenther W. Werther	9883
Lydia B. Barger	9561	Margaret Crittenden	9884
Mary Jane Thomas	9562	Moses L. Morris	9889
James F. Petty	9563	Sarah L. Rogers	9891
Laura McCrary	9566	Stephen Duncan	9892
Joel D. Smith	9568	Gideon D. Sleeper	9895
William T. Cave	9572	William A. Maddin	9896
William Bugher	9577	John H. Horton	9904
James M. Smith	9582	Howe L. Rogers	9905
John E. Nazworthy	9583	William Rush	9912
Beverly L. Lafon	9587	George W. Edens	9916
Robert L. Gentry	9590	William H. Hall	9920
John C. Barker	9591	Edith B. Pheasant	9935
John P. Greenwood	9593	Carrie A. Collins	9936
Henry Hayes	9596	Lucinda Spriggs	9937
Ella Cornwell	9598	Ella F. Hail	9939
Asa A. Hedrick	9599	John W. Harris	9949
William C. M. Robinson	9600	Hannah Raper	9942
Woodrow Hadley	9612	John J. Coughran	9945
William T. Gregory	9613	Youra F. Waybourn	9946
Charles M. Keys	9616	Louisa J. Taylor	9947
Bate O. Reed	9618	William M. Evans	9948
Joseph E. Feland	9623	William F. Pierce	9940
Florence C. Smith	9625	May F. Chambers	9950
Charles M. Cox	9630	Albert Stevenson	9954
Otis S. Skidmore	9634	Henry Kiefer	9955
William H. Hundley	9635	Sarah Bean	9956
Thomas A. McDonald	9636	Zeno M. Cox	9964
Annie Sanders	9638	Jerusha E. Blair	9965
Mack H. Martin	9640	Elias Kyle	9991
Mary Ward	9653	Ida Cushman	9992
George Givens	9658	James W. Fleming	9994
Phenoy Poorboy	9660	Samuel Holmes	9995
Charley Kiper	9671	Walter H. Talley	9997
Andrew J. Snider	9672	Hannah J. Miller	9998
William T. Barton	9684	Clara V. Ward	10002
Daniel Crail	9770	Stephen W. Pittsenberger	10005
Mary M. Motte	9771	Mary E. Palmour	10008
Lecia E. Herrin	9854	William T. Partin	10011
Gailen E. Carrick	9855	Nellie Fields	10013
Rosa B. Barger	9857	Sarah A. Dawes	10015
Rachel Foreman	9858	Willard E. Hutchins	10016
Serepta C. Willis	9861	Jesse Talbert	10020
Virgie Seabolt	9864	Julia E. Setser	10021
Annie Cannon	9867	Amanda E. Howell	10022
Isabella McCoy	9874	Mamie J. Rogers	10023
Robert E. Dry	9875	Nannie Rogers	10024

James B. Bradshaw	10025
Ida L. White	10026
Addie B. Miller	10027
William R. Condry	10028
James D. Canary	10029
John Kelley	10031
Kate Craig	10033
John A. Butts	10034
John J. Dameron	10035
William Warner	10036
George A. Allen	10037
Watie Shetley	10038
John E. Carter	10039
John M. Boyd	10043
William Fister	10047
Darius B. Troth	10049
Harry A. Kelley	10050
Mary E. Purcell	10051
Myron L. Bronson	10052
George W. Taylor	10053
Josie Lowther	10054
Fannie D. Perry	10055
Minnie B. Williams	10056
Solomon Copeland	10058
Etha B. Wood	10059
James Pace	10060
Wiley B. McElhaney	10062
Nancy Patrick	10063
James R. Stout	10072
George Parker	10073
Laura Morton	10074
John D. Kelly	10075
Nettie Swift	10078
Maggie Baldridge	10079
David R. Stubblefield	10080
Thomas J. C. Thompson	10081
Cora P. Harlan	10082
William L. Singleton	10083
Lester Evans	10084
Ellen Mayfield	10085
Ella Bray	10087
David J. Matthews	10094
Thomas Brown	10100
Houston J. Payne	10103
Malinda E. Scudder	10104
Henry Odell	10105
Fred Macy	10107
Mary Russell	10108
Thomas B. Brown	10109
Samuel L. Milligan	10111

Millie A. Carnes	10113
Lucy E. Robards	10114
Edward H. Fitzgerald	10115
John T. Pickard	10117
Charles Rains	10118
Nancy Mayfield	10123
Anna B. Tittle	10124
Richard A. Clark	10126
Emma B. Martin	10128
Walter L. Bates	10129
Nellie Brewer	10130
William Heffernan	10131
Levi Ackley	10132
Bessie Davis	10133
Eva Brackett	10135
Caleba Carnes	10136
Jacksie M. Waybourn	10138
Minnie Shutt	10139
Charles L. McClure	10140
William W. Russell	10141
Delia Jenkins	10142
John A. Hood	10143
Oba Maxfield	10145
Mary L. Cloud	10146
Callie Inlow	10147
Everett M. Lowrence	10148
Dora E. Hays	10150
Julia M. Schrimsher	10151
Parmelia E. Lyman	10153
Charles F. Trickey	10161
Louisa J. Palmour	10169
George L. Walker	10170
Annie Taylor	10171
Josie Winters Hall	10174
Alice Nichols	10181
Lizzie Dry	10182
Emma Murray	10183
Annie Winton	10187
Marion Evans	10189
Elizabeth J. McClain	10192
Eliza J. Price	10199
Rizzie Still	10200
Hannah E. Langley	10201
Alma Keith	10203
Flora A. Terrill	10204
Talesphora A. Paradee	10205
Samuel Shadix	10206
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Robert M. Hamilton	10208
Julia Billingsley	10209

Nannie Martin		10210
Sarah A. Fields		10214
Susie Henderson		10216
Charles H. Rienhardt		10218
William H. Watkins		10221
Frank M. Rucker		10222
Henry C. Reed		10224
Laura B. Timberlake		10226
George A. Brown		10228
Drucilla Lowrey		10232
Almira Mouse	D	9
Lenora Prather	D	16
Andrew M. Cooter	D	17
Martin L. Stokes	D	28
Peter Walters	D	44
Columbus M. Reeves	D	58
Sarah Barnes	D	103
George T. Kiddy	D	108
Henry C. Agent	D	139
Joseph Phipps	D	147
Henry Hilton	D	149
David A. McGlamery	D	161
Maggie Doublehead	D	169
Annie Lovett	D	180
Nora Hood	D	184
John A. Johnson	D	232
Nathaniel G. Simpson	D	242
Oneico W. Head	D	244
Etta Taylor	D	245
Susan V. Sullivan	D	262
Levi H. Tackett	D	263
William H. Connelley	D	264
Julia A. Sullivan	D	284
May Fields	D	297
Katie Hummingbird	D	308
William F. Sager	D	320
Lovick P. Garrison	D	334
Henry Grubb	D	338
Lucy F. Lacey	D	340
Callie Blevins	D	341
James S. Alfrey	D	355
Shadrack C. Walton	D	368
Ada Hall	D	376
Jane M. Hicks	D	386
Fannie L. Dupree	D	403
Willis Battles, Jr.	D	404
Joshua W. Ellis	D	413
Nina B. Owen	D	430
John M. Ridenour	D	456
Emery S. Thompson	D	464

Joseph Reed	D	466
Adolphus J. Hallum	D	483
Alexander Walker	D	490
Albert J. High	D	491
America Matoy	D	501
Moses L. Grazier	D	503
Myrtle Hall	D	509
Wallace Thursday	D	544
Thomas W. Baker	D	546
Mattie E. Keys	D	550
William S. Edwards	D	560
Susan L. Reed	D	572
William H. Lyman	D	574
Gracia Davis	D	577
Edward C. Bolen	D	582
Dora Guthrie	D	585
Samuel H. Hawkins	D	594
Lula M. Purcell	D	600
Ben Estes	D	603
Thomas M. Reynolds	D	621
Arthur Dodge	D	622
Carrie L. McNair	D	624
Constantine N. Walker	D	641
Joseph Davis	D	648
Leander A. Keys	D	650
James J. Barndollar	D	655
Nathan J. Brink	D	682
William S. Miles	D	688
Emma Waybourn	D	698
Dora E. Rogers	D	708
James W. Turley	D	709
Lizzie Ward	D	711
Robert J. Holly	D	713
Belle I. Quinton	D	728
Francis M. Boothe	D	734
Amos W. Lord	D	746
Agnes N. Childers	D	749
John E. Renfrow	D	752
William Coon	D	759
Louis Bruere	D	779
Georgia A. Waybourn	D	786
Eliza Fields	D	787
William H. Brown	D	788
William A. Cox	D	793
Charles A. Robison	D	799
Arthur Williams	D	800
Adam Gearhart	D	806
Cleero F. Rogers	D	855
Annie Garrett	D	866
George S. Yarborough	D	875

Rhoda A. Sanders	D	878	Ella Vann	D	1330
Manuel Spencer	D	884	Linnie Wofford	D	1330
Benjamin H. Hulbert	D	891	Minnie Downing	D	1332
Mary Brassfield	D	935	Katie Rider	D	1334
James L. Tindle	D	944	Samuel G. Mills	D	1337
Silas G. Reneckar	D	966	Alfred H. Woods	D	1342
Eliza Wofford	D	967	Cynthia Whitekiller	D	1352
Jasper L. Newton	D	971	Susie McSpadden	D	1361
John N. Guinn	D	974	Martha J. Houston	D	1363
Hannah Parson	D	989	Samuel M. Collier	D	1367
Nellie C. Helterbrand	D	1003	Katy Payne	D	1369
Thomas J. Welch, Jr.	D	1006	Joseph H. Warren	D	1375
Lizzie Christian	D	1010	Mattie Miller	D	1433
George Haslewood	D	1013	S. F. Moore	D	1434
James M. Jones	D	1022	Addie Schrimsher	D	1448
Reuben A. Evans	D	1032	Fannie Vann	D	1458
Carrie H. Cobb	D	1049	Marcella Blakeney	D	1474
John M. Burns	D	1069	G. W. Williamson	D	1555
Sarah E. Henson	D	1083	C. F. Walker	D	1558
Laura D. Henson	D	1086	Louisa Blevins	D	1567
Hettie E. Downing	D	1090	Frank Cowles	D	1581
Benjamin F. Crain	D	1099	Mary Francis Madding	D	1637
Benjamin Strickler	D	1129	Thomas Rodman	D	1661
Nancy Spaniard	D	1130	Katie Still	D	1866
Annie Wilson	D	1131	Ira Creach	D	1913
Ora H. Maxwell	D	1135	D. A. Mounts	D	1967
Reuben W. Moore	D	1136	J. C. Sefton	D	1991
Cora Childs	D	1146	Jennie Holland	D	2024
Janie Hughes	D	1179	Lou Sanders	D	2216
Francis B. Reid	D	1180	Caroline Barnes	D	2591
Martha Carey	D	1195	Lacey Crane	D	2592
Christina Johnson	D	1199	Daisy Cash	D	2595
Louvenia Ironside	D	1208	Hiram A. Landers	D	2599
Martha J. Henson	D	1218	Charles Neel	D	2603
David A. Martin	D	1228	Mattie Robinson	D	2605
Fred D. McEnery	D	1235	Jennie Rich	D	2606
Nathaniel R. Martin	D	1261	Alexander C. Russell	D	2607
James H. Requa	D	1266	Pricilla Ross	D	2608
Frank Carver	D	1267	Tom W. Reeves	D	2609
Etta B. Payne	D	1270	Mary Smart	D	2612
Mary Garrett	D	1271	Rufus Tidmore	D	2613
Joe W. Goodman	D	1272	Jasper Turquitt	D	2614
Mathew J. Flanigan	D	1274	Mabel West	D	2618
Lizzie C. Holland	D	1285	Ophelia West	D	2619
Etta Downing	D	1291	Cora Whisenhunt	D	2620
William Caywood	D	1296	Katy Martin	D	2667
Clarence W. Turner	D	1307	Willie Butler	D	2686
Alfred Chaney	D	1313	Claud Barger	D	2687
Euphemia Sweetwater	D	1314	Dixie Ohner	D	2688
Etta Russell	D	1319	John Colwell	D	2689

Herbert F. Couch	D	2700
Albert C. Dykes	D	2703
Delora Drew	D	2704
Frank F. Danderson	D	2705
James Gafford	D	2706
Anna L. Harlin	D	2715
William R. Lipsey	D	2717
Bertha Landrum	D	2718
Lila More	D	2722
John D. Mathews	D	2723
Mary McIntosh	D	2725
Bertha Nidiffer	D	2730
Richard Nichols	D	2731
William S. Ross	D	2738
Irene Riley	D	2739
William H. Rowley	D	2740
Colombus C. Scroggins	D	2741
Della Summers	D	2743
William S. Sage	D	2744
Eliza Thomas	D	2748
John P. Thurman	D	2749
Mary E. Davis	D	2770
Jessie Frick	D	2774
Enna Buffington	D	2788
Will Black	D	2789
Maggie E. Davis	D	2792
Thomas Dotts	D	2793
William Daws	D	2794
Nancy Dawson	D	2796
Lena Fields	D	2797
Effie Grayham	D	2798
Alice C. Hill	D	2799
Bertha H. Harlin	D	2800
Margrett C. Hudson	D	2801
Joseph A. Kelley	D	2803
Andrew O. Kepler	D	2804
Josephine King	D	2805
Sarah Jane Birdsong	D	2806
Marion Maddox	D	2807
John A. McKenzie	D	2808
Ione McGee	D	2809
Ollie Miller	D	2810
William A. Martin	D	2811
Jesse P. Morrow	D	2812
Oliver Mason	D	2813
Edna Whitehead	D	2814
Charley Nuckolls	D	2815
Etta M. Nidiffer	D	2817
Louizer Ossowee	D	2818
William H. Patterson	D	2820

Samuel A. Parkhurst	D	2821
Ellen Rogers	D	2822
Elijah Rolland	D	2827
Endora Steele	D	2828
William M. Stucker	D	2829
Sallie Taumeacie	D	2831
Mary Tassle	D	2832
John F. Wolf	D	2835
Ruth A. Ward	D	2840
Winnie Daugherty	D	2884
Mary Guthrie	D	2885
Lydia Long	D	2886
Edda Roberts	D	2887
Manda Ward	D	2889
Elmira J. Alberty	D	2905
Thomas C. Cordray	D	2906
Edward Fowler	D	2907
Dora Foreman	D	2908
Parker Holt	D	2909
John Haston	D	2910
Georgie Harlin	D	2911
Percillia Johnson	D	2913
Bettie Morton	D	2915
Samantha Spade	D	2917
Mariah Ward	D	2918
Ellen Watt	D	2919
Nora Morten	D	2920
Lizzie Anderson	D	2981
Francis Duval	D	2984
Wade S. Hayes	D	2987
James A. Hankins	D	2988
Joseph Hardee	D	2991
Tennie Horn	D	2992
Eveline Hall	D	2993
John E. Leftwich	D	2995
Mattie Henson	D	2994
John D. Colvard	D	2998
Charles W. Phillips	D	2999
Sarah Shanks	D	3000
Nettie Young	D	3009
Jerry P. Ables	D	3048
Almedie Ross	D	3052
John S. J. Fowler	D	3055
Leaner Hood	D	3056
James D. Jackson	D	3057
Emma G. Nelson	D	3058
Alice Simeo	D	3059
George O. Wallace	D	3060
Fannie Clay	D	3078
Ellen Drew	D	3079

Lue Fish	D	3081	Della Baldridge	R	105
Horace Gray	D	3082	Samuel Richey	R	107
Lula Pack	D	3083	Malissa Fields	R	144
Lelia C. Harris	D	3084	Fred Zimmerman	R	220
Thomas Jones	D	3086	Ella Anspach	R	241
Benjamin Laws	D	3088	Michael R. Miser	R	266
Martha Spade	D	3092	Belle A. Powell	R	352
Julian Wyrick	D	3093	Austin L. Hill	R	420
Samuel Harlan	D	3157	Mary L. Dudley	R	439
Lizzie Phariss	D	3171	Stephen Haslett	R	465
Jack Michael	D	3172	Mary A. Payne	R	484
Sarah E. Davis	D	3176	Rebecca Benge	R	563
Grace Guthrie	D	3181	Sarah Wilson	R	613
Mary E. Thornton	D	3183	Dora Crane	R	628
Mamie Thompson	R	4	Andrew Sitrell	R	642
Jimmie G. Thompson	R	5	John Sitrell	R	642
William T. Kelly	R	10	Lillie May Wilson	R	643
Alice Tidwell	R	19	Ollie A. Barger	R	656
Rosenna McLaughlin	R	41	Ida Hawkins	R	671
Martha A. Perdue	R	45	Lizzie Davis	R	761
Gabriel L. Payne	R	61	Clara M. Emmons	R	803

THE RECORDS FURTHER SHOW: That said persons possess no right to enrollment as citizens of the Cherokee Nation other than by intermarriage, and that no one of said persons claims to have been married to a citizen by blood of the Cherokee Nation prior to November 1, 1875. The name of no one of said persons is identified on the Cherokee authenticated roll of 1880.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That in accordance with the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird, et al., vs. the United States, Nos. 125, 126, 127 and 128, said applicants are not entitled, under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495), to enrollment as citizens by intermarriage of the Cherokee Nation, and their applications for enrollment as such are accordingly denied.

.....
Commissioner.

Dated at Muskogee, Indian Territory,

this January 10, 1907.

UNITED STATES OF AMERICA,

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lena Peters for enrollment as a citizen of the Cherokee Nation.

Comes now Lena Peters and most respectfully shows to the Honorable Commissioner that heretofore, on the ___ day of __ 190__, she made application for enrollment as a Creek Freedman Citizen.

That she was not represented by an attorney, but made application in person, and being ignorant of law and procedure, she thought that inasmuch as her husband, William Peters and their children were Creek Freedmen Citizens that it would be proper for her to be enrolled along with them.

That she is a Cherokee by blood, and she now desires to have her application ~~[illegible]~~ investigated and adjudicated for enrollment as Cherokee Citizen.

That she is 67 years of age, and her Post Office address is Lee, Ind. Ter.

Premises considered, Your petitioner prays that her application be investigated and adjudicated as an application for enrollment as a Cherokee Citizen, that she be enrolled as a Cherokee Citizen, entitled to all the rights and privileges of Citizens of the Cherokee Nation.

_____

Subscribed and sworn to before me, this July 22, 1908.

_____
Notary Public.

Cherokee R 484

Vinita, Indian Territory, January 24, 1903.

James M. Payne,

Hudson, Indian Territory.

Dear Sir:

You are hereby notified that before your application for the enrollment of your wife, Mary A. Payne, as a citizen by intermarriage of the Cherokee Nation will be complete, it will be necessary for you to introduce further testimony showing her right to enrollment on September 1, 1902; also further testimony as to the residence of yourself and family in the Cherokee Nation.

This testimony can be introduced before the Cherokee Land Office of this Commission at Vinita, Indian Territory, on or before February 14, 1903.

When you appear, please present this letter.

Respectfully,

Acting Commissioner.

gmc

Cherokee R 484.

Tahlequah, Indian Territory, April 9, 1904.

James M. Payne,

Hudson, Indian Territory.

Dear Sir:

You have heretofore been notified to appear before the Commission and give evidence relative to the citizenship status of your wife on September 1, 1902, and as to the residence of yourself and family in the Cherokee Nation.

Our records fail to show that you have yet complied with that request, and as the roll of citizens now in preparation by this Commission is rapidly nearing completion, it is a matter of great importance to you that you appear at the Cherokee Land Office of the Commission at Tahlequah, Indian Territory, at the very earliest opportunity and give testimony relative to the matters herein referred to.

Respectfully,

Commissioner in Charge
Cherokee Land Office.

CWK

Chanute, Kansas. July 26, '04.

TO THE HONORABLE DAWES COMMISSION,

Muskogee, Indian Territory.

Gentlemen:

Your letter of recent date received the 9th. inst . In reply will say in regard to my residence in Kansas.

I had more than one purpose in view in coming. My first object was the regaining of my health.

In the spring of 1897 my health was such that I had to give up manual labor, in fact all labor for awhile.

In the summer of 1898 I came here on a visit and my health was greatly improved, so in the winter I moved here temporarily, and wrote the Commission at the time, asking their advice in the matter. I did not move with all my effects then, or at any subsequent time, not expecting or intending to give up my rights.

An other reason was, that there I had no access to adequate school advantages for my children. I came here. Nor do I think it the best policy now, even had I my rights restored to take my children from good schools to a place where there are such poor school advantages; although it has grieved me a great deal that my little children should be deprived of their rights so long.

Since coming here I have regained my health till I have been able to work at almost any kind of work.

Have worked in the field, in the school-room and for the past two years have been working for the Ry. Co. in the city where I could get the best of school advantages.

I yet hold a Bill of Sale to a small improvement near Hudson, I.T. which I have considered my permanent residence.

It seems so strange to me that I should be deprived of my interests, while the rest of my people enjoy their rights; except my youngest brother who, like myself is a black sheep.

The same act of Council that virtually admitted them, admitted me and my family, viz: The act authenticating the roll of 1894 with our names thereon.

Even if the Commission can decide that my absence should deprive me, how can you reject my two oldest children, Edna Ethel and James Everett Payne, whose names are on the 1894 Rolls?

Can they be responsible for their parents bringing them away in their minority?

It does not seem reasonable nor just.

In regard to my wife, and our marriage, will say that she is a white woman. We were married under the laws of the state of Kansas. After removing to the Territory our marriage certificate was recorded in the office of the District Clerk, in Cooweescoowee Dist. stamped with the seal of the Cherokee Nation which can be verified by referring to the same, which I presume is in your files, as it has never been returned to me since giving it to you at the time of making application for enrollment.

Gentlemen, I have a large family to support and only my daily labor as capital, and it would be a great convenience if I could see you nearer than Tahlequah, as it is a great loss to me to leave my work, as it is hard to get along by every day labor.

If I could see you at Vinita it would be much nearer for me. However, if I was sure I would be awarded my rights, I'd gladly make the sacrifice.

Now, I have stated facts, which are just as sacred to me as if I had made them before a magistrate.

I would thank you, assuming that I have stated facts, to give me some idea of the Commission's opinion of the status of my case from the evidence at hand. I am not asking for a decision, but only an idea. If it is discouraging I would like to know; if favorable I'd like to know. If I should receive a favorable opinion I would feel like sacrificing even my job, which is a great deal to me, for I certainly feel aggrieved and would be glad to find out the final result, either for or against.

Hoping that I may hear from you within a fortnight, at least, and that I may get this matter adjusted without being to such a great expense,

I am very truly,

James M. Bayne.

920 S. Forest Ave.

Chanute, Kans

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 16, 1908.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the application for the enrollment of James M. Payne, et al., as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-11

COPY.

Cherokee R-424.

Muskogee, Indian Territory, June 16, 1908.

James M. Payne,

Hudson, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision dated June 12, 1906, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Imal, S-10
Register

COPY.

Cherokee 2-224.

Muskogee, Indian Territory, June 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Emma M. Payne, et al., as citizens by blood of the Cherokee Nation, including the Commission's decision dated June 16, 1905, rejecting said application.

Respectfully,

Encl. 2-12. Tams Bixby,
Chairman.

Through the

Commissioner of Indian Affairs.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Land
47204-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 24, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the application made December 12, 1900, for enrollment as citizens by blood of the Cherokee Nation of James M. Payne for himself and his minor children, Edna Ethel, James Everett, Leonard W. and Freddie Leroy Payne.

February 16, 1905, the Commission decided adversely to all the applicants.

The record shows that James M. Payne was born in the Cherokee Nation about 1864; that in 1877, his father removed to the State of Kansas where the principal applicant grew to manhood and continued to reside and exercise the rights of citizenship until he was twenty nine years of age when, in 1893, he returned to the Cherokee Nation where he lived until his return to Kansas in 1898; that on February 23, 1890, he was married under the laws of the State of Kansas to Mary Alice Payne and as the issue of this marriage the minor applicants were born. All of the applicants are identified upon the 1896 Cherokee Census roll except Freddie Leroy Payne for whom a birth affidavit is filed.

It does not appear that James M. Payne after his return, was ever readmitted by any tribal authority of the Cherokee Nation or that he has ever been admitted to citizenship by any United States tribunal.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully ,

C. F. Larrabee

Acting Commissioner

M M M

W

(COPY)

FNB

DEPARTMENT OF THE INTERIOR

D.C. 35591
I.T.D.7772-1905
Y.P.

WASHINGTON

JULY 17, 1905

Commissioner to the Five Civilized Tribes
Muskogee, Indian Territory.

Sir: June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of James M. Payne and his minor children, Edna Ethel, James Everett, Leonard W. and Freddie Leroy Payne, as citizens by blood of the Cherokee Nation, including its decision of the same date, rejecting the applicants.

Reporting June 24, 1905, the Indian Office recommends that the Commission's decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and said decision is hereby affirmed.

Respectfully,

(Signed) F. L. CAMPBELL
Acting Secretary

1 inclosure.

Cherokee R-424.

COPY.

Muskogee, Indian Territory, August 1, 1905.

James M. Payne,

Rudeen, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of yourself, et al., as citizens by blood of the Cherokee Nation, you are advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting your said application, was affirmed by the Secretary of the Interior on July 17, 1905.

Respectfully,

Tams Bixby

Commissioner.

LS

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 1, 1908.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of James M. Payne, et al., as citizens by blood of the Cherokee Nation, you are advised that this office is in receipt of Departmental letter of July 29, 1908 (I.T.D. 9788-1908), in which the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting said application, is affirmed.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Tams Bixby,
Commissioner.

LS
Encl. S-33

Cher. R 404

Muskogee, Indian Territory, January 10, 1907.

Mary A. Payne,

Hudson, Indian Territory.

Dear Madam:

There is inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting, among others, the application for your enrollment as a citizen by intermarriage of the Cherokee Nation. The Commissioner's decision has this day been forwarded to the Secretary of the Interior for review. You will be advised of the Secretary's action as soon as this office is informed of same.

Respectfully,

Incl. Decn.___D___ Commissioner.

Cherokee
S et al.

Muskogee, Indian Territory, March 14, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting the application for the enrollment of James Watson, et al., as citizens by intermarriage of the Cherokee Nation, was affirmed by the Department, January 24, 1907.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.6-160
MMM

Commissioner.

C73

REFER IN REPLY TO THE FOLLOWING:

Cherokee R
484

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 14, 1907.

Mary A. Payne,

Hudson, Indian Territory.

Dear Madam:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated January 10, 1907, rejecting your application for enrollment as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Department, January 26, 1907.

Respectfully,

MTM

Commissioner.

DEPARTMENT OF THE INTERIOR

Commissioner to the Five Civilized Tribes

Muskogee, Indian Territory, March 9, 1907.

NOTICE IS HEREBY GIVEN that the undersigned, the Commissioner to the Five Civilized Tribes, has been designated by the Secretary of the Interior, as the official to make and approve appraisals of the value of improvements upon land in the Cherokee Nation which were made prior to November 5, 1906, by white persons who intermarried with Cherokee citizens prior to December 16, 1895, and who have the right under the Act of Congress approved March 2, 1907 (Public 180), to sell improvements.

NOTICE IS FURTHER GIVEN that former claimants to citizenship by intermarriage who have made permanent and valuable improvements on lands of the Cherokee Nation and who claim the right to sell the same under and by virtue of said Act of Congress of March 2, 1907 (Public 180), must appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, and designate the land upon which are located the improvements which they claim the right to sell by virtue of said Act; and if any such intermarried citizen shall fail to appear before the Commissioner to the Five Civilized Tribes prior to April 1, 1907, it will be considered that he makes no claim to the benefits conferred by said Act. Such appearance and designation of improvements must be made before the Commissioner at his office in Muskogee, Indian Territory, at any time between Monday, March 11th, 1907, and Saturday, March 30th, 1907, inclusive, or at any of the following named places between the dates named at which places the Commissioner will have a representative to receive said designations and hear testimony relative thereto:

Bartlesville, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Tulsa, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Claremore, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Nowata, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Vinita, Ind. Ter., Monday March 18th, 1907, to Saturday March 23rd, 1907, inclusive.

Pryor Creek, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Tahlequah, Ind. Ter., Monday March 18, 1907, to Saturday March 23rd, 1907, inclusive.

Sallisaw, Ind. Ter., Monday March 25th, 1907, to Saturday March 30th, 1907, inclusive.

Designations must be made in person by the intermarried white claimant; or in case proper proof is made that he is physically unable to appear, by some adult member of his immediate family, or in case proper proof is made of the fact that the intermarried white claimant is physically unable to appear and has no adult member of his immediate family, by a person holding a properly executed power of attorney; provided, that in every case the designation must be made by a party familiar with the character, ownership, location and value of the improvements to be designated. At the time of said designation the testimony of any competent person will be taken by the Commissioner as to the location, character and value of said improvements.

No former intermarried white claimant will be permitted to designate improvements upon more land than he would have been entitled to take in allotment for himself had he been admitted to citizenship. If any intermarried white claimant has made a tentative selection of a full allotment he will not be allowed to designate improvements upon other land.

NOTICE IS FURTHER GIVEN that if any citizen of the Cherokee Nation entitled to select an allotment shall claim that the improvements on land tentatively selected by a former intermarried white claimant, or held by him, do not belong to said intermarried white claimant, or makes any adverse claim to said improvements, or to the right of the intermarried white claimant to sell said improvements under the Act approved March 2, 1907 (Public 180), said citizen must appear before the Commissioner to the Five Civilized Tribes either at Muskogee, Indian Territory, prior to April 1, 1907, or at one of the places above designated and within the dates above designated and make formal complaint before the Commissioner to the Five Civilized Tribes of his contention. At Muskogee, Indian Territory, between March 11th and March 30th, 1907, inclusive, and at the other places herein named during the hearings at said places as herein fixed, plats will be open for inspection showing the location of tentative allotments made by former claimants to citizenship by intermarriage and all other land on which such claimants claim improvements, so far as indicated by the records of this office.

All persons interested should take careful note of the limitation of time herein provided for, within which designations and complaints may be made, and that they must be made by appearance before the Commissioner.

TAMS BIXBY,
Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

R484

Returned to writer 4-3

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11874

HUDSON
JUL 20

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

JUL 1905
MUSKOGEE, IND. TER.

James M. Payne,

Hudson, Indian Territory.

MUSKOGEE, IND. T.
MAR 8 1907
DIV.

Cher R 485

Cher R 485

REFUSED, as to Wife, Julia:
DOUBTFUL, as to Wife's children:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAHLEQUAH, I.T., DECEMBER 18th, 1900.

In the matter of the application of Robert McPherson for the enrollment of himself, wife and children as citizens of the Cherokee Nation; said McPherson being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Robert McPherson.
Q How old are you? A 50.
Q What is your post office? A Braggs Station.
Q In what district do you live? A Illinois.
Q Who is it you want to enroll, yourself and family? A Yes,sir.
Q Have you a wife? A Yes, sir.
Q How many children? A Four.
Q These children are all under 21 are they? A Yes.
Q None of them married? A No, sir.
Q Are you a Cherokee by blood, full blood, aren't you? A Pretty near it.
Q Is your wife a Cherokee by blood? A No, sir, white woman.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Give je the name of your father? A Alick McPherson.
Q Is he dead? A Yes, sir.
Q Give me the name of your mother? A Jennie.
Q Is she dead? A Yes, sir.
Q Give me the name of your wife? A Julia.
Q How old is she? A About 45.
Q When did you marry her? A In '85.
Q Were you ever married except to her? A I married once before but she died.
Q Was this wife ever married except to you? A Yes,
Q How many times was she married before she married you A I do not know, she had a boy by one of the Beeks when I married her.
Q Was her former husband dead when she married you? A I do not know, she can answer for herself.
JULIA McPHERSON, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give your full name? A Julia McPherson.
Q How old are you? A About 45.
Q Are you the wife of Robert McPherson here? A Yes, sir.
Q When were you married to him? A I forgit.
Q About how long ago? A 1885, I believe.
Q Were you ever married before you married him? A Yes, sir.
Q To whom were you married? A I was married to
Q How many times were you married before you married him? A Twice
Q To whom were you married? A To Ward and Beck.
Q What was Ward's full name? A Vann.
Q And afterwards married to Beck? A Dave Beck.
Q Is Vann Ward dead? A I could not tell you.
Q Did you ever get a divorce from him? A No, sir, he took an other woman.
Q And you never got any divorce from him? A No, sir.
Q And then you married Beck? A Yes, sir.
Q Is Beck dead? A I can't tell you, he was not the last account I had of him.
Q How long did you live with Beck? A I lived about two years and seven months I guess.
Q How long did you live with Ward? A Just seven months.
Q Who married you to Ward? A Jeff McCoo.in Delaware.
Q He was Clerk of the District was not he? A Yes, sir.
Q Who married you to Beck? A He lived at Vinita, he was a Justice of the Peace.
Q You did not get any divorce from Dave Beck? A No, sir.

ster Dobson, Tahlequah district here.
Q Did Dave Beck leave you? A Yes, sir.
Q Or did you leave him? A Well, he left me. He made the commencing and then I went to my daddy.
Q Have you lived with McPherson ever since you married him in 1885? A Yes, sir.
ROBERT McPHERSON, The Applicant, further testified:
Q Give me the names of these children? A The oldest one is by my first wife, named Willis.
Q How old is he? A He will be 18 the 27th of this month.
Q Now the next child? A Mary.
Q By this wife, is she? A Yes, sir.
Q How old is she? A She is going on 18.
Q The next child? A Jennie.
Q How old is she? A She is 12 going on 13.
Q The next child? A Jeanna.
Q How old is she? A She is going on 11.
Q These chi ldren are all living now are they? A Yes, sir.
Q These last three children are all by this wife? A Yes, sir, three gir ls.
Q Are you a full blood Cherokee? A I guess so that is what they call me.
Com'r:--The applicant files a certificate showing that he and his wife were married on August 2, 1885, by the Rev. Leonidas Dobson. This is placed with the papers in his case.
1880 Roll; page 558, #1262, Robt. McPherson, Illinois.
Q What was Willis' mother's name? A Ailsey Muskrat.
Q Is she on the roll of 1880 as a Muskrat? A I do not know whether she is or not.
Q You married her after 1880? A Yes, sir.
Q What was her name when you married her? A They called her Ailsey.
Q Was she a Full blood woman? A Yes, sir.
Q She died before you married this woman? A Yes, she died in Canadian.
1896 Roll; page 1213, #242, Robert McPherson, Tahlequah.
Q Was Vann Ward a Cherokee by blood? A I think so.
1896 Roll; page 1284, #190, Julia McPherson, Tahlequah.
1896 Roll; page 1213, #2246, Willis McPherson, "
1896 Roll; page 1213, #2243, Mollie McPherson, "
1896 Roll; page 1213, #2244, Jennie McPherson, "
1896 Roll; page 1213, #2245, Jeanna McPherson, "
Q Was Dave Beck a native Cherokee? A Yes, sir, I thi nk he was.
Q How old i s Vann Ward now, do you know? A I do not know.
Q Were you acquainted with Dave Beck? A No, sir.

APPLICANT'S WIFE RECALLED:

Q Was your husband Beck a Cherokee by blood? A Yes, sir.
Q Was your husband Ward a Cherokee by blood? A Yes, sir.
Q When did you marry Ward? A I could not tell you.
Q Was Ward ever married before he married you? A I do not think he was.
Q He was your first husband was he? A Yes, Ward.
Q Is anybody living that knows that you and Ward were living together as husband and wife? A Yes, sir, Mrs. John Gladley, about eight miles out here.
Q Does anybody know that you and Beck lived together as husband and wife? A She does too.
Q How old would this man Ward be now if he were livi g? A He is pretty old if he was living he would be 60 or close to 70.
Q Did he have any middle name? A Not that I know of.
1880 Roll; page 214, #2441, Vann V. Ward, Delaware.

Q How old would Beck be now if he were living? A I think he was somewhere in 20 when we and him was married.
Q Did he have an "W" in his name, Dave W. Beck? A I think he did.
Q You have got a child named G. W. Beck? A Yes, sir.
Q Were you living with Beck in 1880, 20 years ago? A No, sir, I don't guess I was.
Q This child, G. W. Beck, is not identified on the roll of 1880?
A No, I was at my father's when that roll was made.
Q What name did you go by 20 years ago? A Beck.

Com'r Breckinridge:--The applicant applies for the enrollment of himself, his wife and four children: He is identified on the rolls of 1880 and 1896 as a native Cherokee. He has lived in the Cherokee Nation all his life and he will be listed for enrollment as a Cherokee by blood.

His wife is a white woman. She states that she was twice formerly married before she married her present husband in 1886. The present marriage in 1886 is established by the certificate filed herewith, but the applicant's wife never procured a divorce from either of her husband, who for all she is able to state, are living at this time. She is not considered, therefore, as qualified to have married her present husband and though she is identified on the roll of 1896 and has lived with her present husband ever since she married him, the application for her enrollment is rejected, she being classed as a Cherokee by adoption.

The applicant's eldest child, Willis McPherson, he states is by his first wife, who was a Cherokee woman. The child is identified on the roll of 1896. His mother is said to have been a full blood and the applicant does not know what her name was when he married her. He married her thereafter the roll of 1880 was made and she died shortly after their marriage. She cannot be identified but no doubt is entertained from the personal testimony that she was a Cherokee woman, and this child, Willis McPherson, will now be listed for enrollment as a Cherokee by blood.

As for the said children, Mary, Jennie and Jessie McPherson, of the present marriage: They are minors and are living. They are identified on the roll of 1896, and they will be listed for enrollment as Cherokees by blood, on a doubtful card, for the further consideration of their status, in this connection attention is especially called to Section 693 of the 1893 compilation of the laws of the Cherokee Nation.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of December, 1900.

Commissioner.

R. 485
B

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

Acting Commissioner.

Examined and registered before signature of card.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1900 1900.

Name

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Wife's name Julia McPerson

District TAHLEQUAH Year 1896 Page 1286 No. 190

Citizen by blood Mother's citizenship

Intermarried citizen yes

Married under what law Date of marriage

License Certificate

Names of Children:

Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age
Dist.	Year	Page	No.	Age

Rejected

On 1896 roll as Julia McPearson

1425

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN

"6"

This is to certify that on the (Second day of August) Aug. 2nd A.D. 1885 Robert McSherman and Lilla Farris both of the Cherokee Nation I.T. were united in Marriage by me according to the law regulating marriage between Cherokee Indians and Citizens of the United States.

Lewis Dobson
Minister of the Gospel.

R465

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR - 1902
[illegible]

May Term Circuit Court, Convened May 6 1878.

J.B.Mayes, judge presiding;R.T.Carey,Clerk.

8 Vann Ward
Vs.
Julia Ward

For divorce.
Dismissed at cost on account of no one answered.

September Term Circuit Court convene the 2nd of Sept 1878.

Judge J.B.Mayes presiding and R.T.Carey clerk-substituted by R.F.Wyly.

9 Case V.V.Ward
Vs
Julia Ward

For divorce.

Judgement in fewer of plaintiff for all that the summons called for.

[illegible]ve Office Cherokee Nation,
Tahlequah Ind.Ter.

I,B.W.Alberty,assistant Executive secretary of the Cherokee Nation do hereby certify that the above is a true copy taken from the record of the Circuit Court of Delaware District Cherokee Nation, now filed in this Office by law and is in my legal custody.

Given under my hand and the seal of the Cherokee Nation this the 29th day of March 1902.

B.W.Alberty

Hastings

Cherokee R 495.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on December 12, 1900, Robert McPherson appeared before the Commission at Tahlequah, Indian Territory, and made application for the enrollment, among others, of his wife, Julia McPherson, as a citizen by intermarriage of the Cherokee Nation. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that Julia McPherson was married on August 2, 1885, to Robert McPherson, a citizen by blood of the Cherokee Nation. She is identified on the Cherokee Census roll of 1896. It appears, however, that the said Julia McPherson was formerly married to one Vann Ward, and was divorced from him on September 2, 1878. She was afterwards married to one Dave Beck, and they were separated without a divorce at the time of her marriage to McPherson. There is no proof that the said Dave Beck is dead.

Section 21 of the Act of Congress, approved June 28, 1898, (30 Stats., 495), provides for the enrollment of Cherokee citizens,

"with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

Section 692 of the Compiled Laws of the Cherokee Nation (1892) provides:

"All marriages which are herein prohibited on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall be absolutely void in this Nation, without any judgment of divorce or other legal proceedings . . . . . ."

It is, therefore, the opinion of this Commission that the application for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation should be denied, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this_____

Northern Judicial District, Indian Territory.

Julia Beck, being first duly sworn, states that she is the identical person named in the foregoing petition, that she has had the same read to her and that the statements therein set forth are true as she verrily believes.

Subscribed and sworn to before me this the 22nd day of July, 1904.

O. E. Hale
Notary Public.

My Commission expires on the 17th day of May, 1908.

United States of America
Indian Territory
Northern District.

R.NO.485

In Re. Julie McPherson, aplicant for enrollment as an adopted Citizen of the Cherokee Nation,

comes now the above named aplicant and moves the Hon. Secritary of the Interior, to set aside his ruleing, comforming the decission of the Commission to the Five Civilized tribes, rejecting aplicant as an Intermarried Citizen of the Cherokee Nation, on the ground that aplicant had not ben Divorced from her former husband David Beck,

and for grounds of this motion aplicant states that said David Beck, brought suit in the District Court of Delaware District and a decree of Divorce was granted him against aplicant, on the 8th day of May 1879 by default, a copy of the order of the court is hereunto attached and made a part of this petition, that on the former hearing of this cause aplicant had ben unable to get any documentary evidence showing the rendition of the decission in said diverce suit, that the only question rased by council for the Cherokee Nation and the only reason assigned by the commission in support of their decission was that aplicant had not ben divorced from said David Beck, aplicant further States that under the Cherokee law she is clearly entitled to be enrolled as an adopted Citizen of the Cherokee Nation That she was legaly married to Robert McPherson, a 3/4 Cherokee Indian and a bonafied Citizen of the Cherokee Nation, and rased a family by said McPherson, that she still lives with said Robert McPherson, that she has never resided out of the Cherokee Nation since her marriage to said McPherson, or in any forfeited her right to Citizen-ship, Therefore Your Petitioner respectfully Moves the Hon. Secritary to set aside his former order and remand the above entitled cause to the Commission to the five Civilized tribes with instructions to grant aplicant a new hearing.

{ E J Brown
Witness

{ Julia McPherson
her x mark

United States of America,
Northern Judicial District,
Indian Territory, SS.

R.#485. In Re

Julia McPherson, applicant for enrollment as an adopted citizen of the Cherokee Nation.

To the Honorable W. W. Hastings, Attorney for the Cherokee Nation;

Your are hereby notified that the original, of which the attached is a copy, will be filed with the Honorable Commission to the Five Civilized Tribes, on the 2nd day of August, 1904, and that said commission will be asked by petitioner to forward the same to the Honorable Secretary of the Interior, at their earliest convenience, and that the Secretary of the Interior will be asked by petitioner to set aside the former ruling, sustaining the descision of the Dawes Commission in the above entitled cause and that said cause be remanded by the Honorable Secretary of the Interior to the Commission to the Five Civilazed Tribes and that petitioner be granted a new hearing in said cause.

Julia McPherson
Petitioner.

J. D. Cox
Attorney for Petitioner.

R 423

Muskogee, Indian Territory,

Mrs. Julia McPherson,

Bragg's Station, Indian Territory.

Madam:-

When you appeared before this Commission on the 12th day of December, 1900, in the matter of your application to be enrolled as a citizen by intermarriage of the Cherokee Nation you stated that you had been married to one Vann Ward. You did not state at what time this marriage took place, nor did you produce any marriage license or certificate. You are now requested to procure either the original or a copy of the license and certificate of your marriage to Vann Ward, and to forward the same immediately to this Commission.

Yours truly,

Acting Chairman.

COPY.

[illegible] R[illegible]

[illegible], Indian Territory, July 20, 1906.

Robert McCurtain,

Muskogee, Indian Territory.

Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your wife, Julia McCurtain, as a citizen by intermarriage of the Choctaw Nation, together with a copy of the decision of the Commission, rejecting your said application.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Tams Bixby

Commissioner in Charge.

Register,

Enc. C, No. 166.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVERSWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 485.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 29, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes, rejecting the application of Robert McPherson for the enrollment of his wife, Julia McPherson, as a citizen by intermarriage of the Cherokee Nation.

The decision, with a copy of the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

Enc. C. No. 147.

COPY.

Cherokee R 426.

Muskogee, Indian Territory, July 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Robert McPherson for the enrollment of his wife, Julia McPherson, as a citizen by intermarriage of the Cherokee Nation, including the decision of the Commission, dated July 29, 1903, rejecting said application.

Very respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 Inclosure-

C. No. 148.

(Copy)

D.C. 24511-1902.

Refer in reply to the following:
Land.
47,122-1902. DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON, August 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report of the Acting Chairman of the Commission to the Five Civilized Tribes, dated July 29, 1902, forwarding for the Department's consideration the record relative to the application of Robert McPherson for the enrollment of himself, his wife, Julia McPherson and his children as citizens of the Cherokee Nation.

July 29, 1902, the commission held that the applicants were not entitled to enrollment.

The records in this case show that Julia McPherson, the applicant's wife, was formerly married to Vann Ward, a citizen of the Cherokee Nation from whom she was divorced September 2, 1879. After the date of said divorce she married David N. Rock, a Cherokee citizen. They separated but had not been divorced at the time she married Robert McPherson, a citizen, by blood, of the Cherokee Nation.

R 483

Her marriage with McPherson occurred August 2, 1885.

The records in the case show that all three of her husbands were recognized citizens of the Cherokee Nation.

While her marriage with McPherson does not confer the right of citizenship on her because the marriage is null and void, the office believes that her marriage to Beck, from whom she was divorced at the time of her marriage to McPherson, but from whom she was divorced, does confer the right to enrollment upon her.

For the reason that her said husband, David N. Beck, abandoned her it is therefore respectfully recommended that the decision of the commission be not approved and that it be directed to enroll the applicant, Julia McPherson, as an intermarried citizen of the Cherokee Nation.

In connection with this case the attention of the Department is invited to letter of July 19, 1902, -- I.T.D.4017 -- in the Sarah Hines case.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(G.A.W.)
P.

(Copy)

D.C. 14811-1902.

J.W.H.
C.M.R.

DEPARTMENT OF THE INTERIOR.

IPD 4966-1902.

WASHINGTON. August 29, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:-

July 29, 1902, you transmitted the record of proceedings had in the matter of the application of Robert McPherson for the enrollment of his alleged wife, Julia McPherson, as a citizen by intermarriage of the Cherokee Nation, including your decision of said date, refusing to enroll her. Said application was also made on behalf of the children of Robert McPherson, namely, Willis, Mollie, Jannie, and Joanna McPherson. You stated, however, that they are "differently classified and are not embraced in this decision."

From the record it appears that the said Julia McPherson was first married to one Vann Ward, from whom she was divorced September 2, 1878, after living with him as his wife for seven months. Subsequently she married one Dave Beck, and lived with him as his wife until he deserted her, 2 years and 7 months thereafter. It is alleged that on August 2, 1896, she was married to her present husband, Robert McPherson. All three of the aforesaid men are, or were, citizens of the Cherokee Nation. The names Julia and Robert McPherson appear from the Census Roll of 1896, and his name, upon the authenticated roll of 1880.

August 14, 1902, the Acting Commissioner of Indian Affairs stated, in reference to Julia McPherson, "while her marriage with McPherson does not confer the right of citizenship on her because the marriage is null and void, the office believes that her marriage to Beck ' ' ' does not confer the righ' of enrollment upon her.

"For the reason that her said husband, David N. Beck, abandoned her it is therefore respectfully recommended that the decision of the Commission be not approved and that it be directed to enroll the applicant, Julia McPherson, as an intermarried citizen of the Cherokee Nation.

"In connection with this case the attention of the Department is invited to letter of July 19, 1902,--I.T.D. 4017 -- in the Sarah Hines case."

It is clear that the alleged marriage with McPherson is null and void.

While it is true that Beck abandoned the woman, it is also true that his misconduct did not justify her in entering into the third marriage. She states that her second husband was living when she last heard of him, and the record shows that her marriage to McPherson occurred about four years after her separation from Beck, a period too short to furnish the presumption that the latter is dead.

Her third marriage, under the circumstances, amounts to mere cohabitation, and, independent of any fault on the part of Beck, she is herself chargeable with abandonment by reason of

her own misconduct.

She is, therefore, not entitled to Cherokee citizenship, although the legal wife of David N. Beck, and her enrollment was properly refused in accordance with section 667 of the Cherokee laws (Ed. 1892), which provides:

> "Every person who shall lawfully marry under the provisions of this act, and afterwards abandon his wife, shall thereby forfeit every right and privilege of citizenship of this Nation."

The case of Sarah Hines is not applicable to the one at bar. In the Hines case the applicant separated from her second husband and married again, but on learning that her third marriage was invalid, she acted apparently in good faith and returned to her second husband.

In the case at bar the applicant has made no attempt to relieve herself of the charge of abandonment, but continues to live as the wife of Robert McPherson.

The Department finds no cause to disturb your decision, and the same is accordingly affirmed.

Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

E.M.D.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee R 486.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 7, 1902.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 29, 1902, rejecting the application of Robert McPherson for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1902.

Respectfully,

Acting Chairman.

COPY

Cherokee 2 [illegible]

Muskogee, Indian Territory, October 7, 1908.

Robert McPherson,

Briggs, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision of date July 20, 1908, rejecting your application for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation, was affirmed by the Secretary of the Interior on August 29, 1908.

Respectfully,

Tams Bixby

Acting Chairman.

Cherokee Nation,

Muskogee, Indian Territory, August 15, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

In the matter of the application for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation, case No. R-488, the Commission's decision in which case, rejecting the applicant, was affirmed by the Department in its letter of August 29, 1903 (I.T.D. 4066-1903), there is herewith transmitted for consideration, a motion on behalf of the applicant, to reopen this case for further hearing. This motion bears evidence of service upon the attorney for the Cherokee Nation.

Respectfully,

Encl. R-88. Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Cherokee R-625.

Muskogee, Indian Territory, August 15, 1904.

J. D. Cox,

Attorney for Julia McPherson,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 1, enclosing a motion to reopen, for a hearing, Cherokee enrollment case No. R-625, Julia McPherson, and requesting that same be forwarded to the Secretary of the Interior.

In accordance with your request, this motion has this day been transmitted to the Secretary of the Interior for consideration. You will be advised of the Department's action on said motion as soon as the Commission has been informed of the same.

Respectfully,

Commissioner in Charge.

(C O P Y)

Land
60970-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, September 27,1904.

(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 10, 1904, (I. T. D. 6970) there is enclosed a communication from the Commission to the Five Civilized Tribes, dated September 9, 1904, transmitting motion on behalf of the applicant in the matter of the application of Julia McPherson for enrollment as an intermarried citizen of the Cherokee Nation, to reopen the case for further hearing.

Very respectfully,

(Signed) A. C. Tonner,

GAW:EK

Acting Commissioner.

DEPARTMENT OF THE INTERIOR

D.O., 37880-1904
I.D. 4970, 8454-1904. WASHINGTON

T.S.F.
L L.B
J.P.

October 4, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

September 8, 1904, you transmitted a motion signed by Julia McPherson requesting that the action of the Department in approving your decision rejecting the application for the enrollment of said Julia McPherson as an intermarried Cherokee citizen be rescinded, and that the matter be remanded to you with instructions to grant applicant a new hearing.

Said motion will not be passed upon at the present time, but will await the decision of the Court of Claims on the questions submitted to said Court by the Department on February 24, 1903, relative to the rights of intermarried Cherokees.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

COPY

Cherokee 2-422.

Muskogee, Indian Territory, December 8, 1906.

J. D. Cox,

Attorney for Julia McPherson,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission is in receipt of departmental letter of October 4, 1906, refusing to pass upon the motion for a rehearing in the matter of the application for the enrollment of Julia McPherson as a citizen by intermarriage of the Cherokee Nation, until the question as to the right of such applicants to enrollment in the Cherokee Nation has been passed upon by the Court of Claims, where the cause is now pending.

For your information there is herewith inclosed a copy of departmental letter referred to.

Respectfully,

SIGNED, Tams Bixby,
Chairman.

Incl. 2-33.

(C O P Y)

D.C.Eo.[illegible]-1906. T.P.

DEPARTMENT OF THE INTERIOR, FEB.

WASHINGTON.

T.P.B. 8424-1904. November 21, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In view of the decision of the Supreme Court of the United States, dated November 5, 1906, in the cases of Daniel Red Bird et al., vs. the United States, Nos. 125, 126, 127 and 128, appealed from the Court of Claims, the motion to reopen the case of Julia McPherson, applicant for enrollment as a citizen by intermarriage of the Cherokee Nation, received with the letter of the Commissioner to the Fi ve Civilized Tribes of September 9, 1904, is denied.

A copy of Indian Office letter of September 27, 1904 (Land 63976-04), submitting said report, is inclosed. The papers have been returned to the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 8 to Ind. Of.

Cherokee
R 485.

Muskogee, Indian territory, December 17, 1906.

Julia McPherson,

Braggs, Indian territory.

Dear Madam:

You are hereby advised that a motion for a rehearing in your Cherokee enrollment case was denied by the Secretary of the Interior, November 28, 1906.

Respectfully,

JMH. Commissioner.

Cherokee
R-485.

Muskogee, Indian territory, December 27, 1906.

J. D. Cox,

Attorney for Julia McPherson,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing in the Cherokee enrollment case of Julia McPherson, was denied by the Secretary of the Interior, November 28, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.R-81.
JMM.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 17, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for rehearing, in the Cherokee enrollment case of Julia McPherson, was denied by the Secretary of the Interior, November 26, 1906.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.E-80
JMH.

Cher R 486

Cher R 486

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. December, [illegible] 1900.

In the matter of the application of William J. Tinsr for the enrollment of himself and wife as Cherokee citizens. He being sworn before Commissioner Bryan, testified as follows:

Q What is your name? A. William J. Tinsr.
Q What is your age? A. 18.
Q What is your post office address? A. Melvin.
Q What district do you live in? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Who do you desire to have enrolled? A. Myself and wife.
Q What is your wifes name? A. Videan Terry was her maiden name.
Q Is she a Cherokee citizen by blood? A. No sir.
Q Have you a certificate of your marriage? A. Yes sir.

The applicant presents a certificate of marriage certifying that he was married to Videan Terry on the 1st of October 1900, according to the laws of the United States.

Q What is your fathers name? A. Frank.
Q Is he living? A. I dont know.
Q What is your mothers name? A. Nancy.
Q Is she living? A. Yes sir.
Q How old is your wife? A. 18.

1896 roll, page 257 No. 2015, Nancy J. Walker, Delaware dist.

Q How did your name happen to be on the roll as Tacket? A. My step-grandfather raised me and he had me enrolled that way.

1896 roll, page 255 No 2401, Willie Tacket, Tahlequah dist.

The name of William J. Tinsr is found on the census roll of 1896 as Willie Tacket, and he is duly identified as the applicant. He is also identified as the son of Nancy J. Walker, whose name appears on the authenticated roll of 1880. The applicant applies for the enrollment of himself and wife, he makes satisfactory proof of marriage to one Videan Terry a non-citizen in the year 1900, too late under the Cherokee laws to entitle her to be enrolled at this time, consequently the application for her enrollment as a Cherokee citizen by intermarriage will be rejected and he will be duly listed for enrollment as a Cherokee citizen by blood.

Shas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this the 11th of December, 1900.

Commissioner.

R 486

"B"

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
DEC 12 1900

ACTING CHAIRMAN.

Department of Approved Tribal Enrollment Cards.

CHEROKEES BY BLOOD AND ADOPTION.

Date DEC 12 1900 1900.

Name Melvin Int. Tp.

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License 9 Certificate

Wife's name Videau Tiner

District Year Page No.

Citizen by blood Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License Certificate

Names of Children:

Rejected married to Cate

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

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Dist. Year Page No. Age

Dist. Year Page No. Age

Dist. Year Page No. Age

A 4

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 12 1900

[illegible] CHAIRMAN

I, Chas.A.Davidson, Clerk of the United States Court for the Northern District of the Indian Territory, do hereby certify that on the 20th day of September 1900, I issued a marriage license from my office in Tahlequah,I.T., for Will Tiner to marry Videan Terry, and said marriage license was duly returned for record to my office at Muscogee, I.T., on the first day of October, 1900, according to law.

In testimony thereof I have hereunto set my hand officially, and affixed the seal of this court at my office in Tahlequah, I.T., this 19th day of December, 1900.

Chas. A. Davidson, Clerk.

by [illegible]

Deputy Clerk.

D

R 486

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 4 1902
Assistant Commissioner

COPY.

Muskogee, Indian Territory, February 14, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment as a Cherokee citizen of Vidsen Tiner, refused by the Commission under the provisions of the Act of Congress approved June 28, 1906, in its decision of this date, and which has this day been separately transmitted in duplicate to the Department.

This application will be found in said decision as No. R. 496, it is entitled Vidsen Tiner, and is known as a Cherokee rejected application.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

Encl. C-R. 496.

A

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENBERG.

ALLISON L. AYLESWORTH,
SECRETARY

(Copy)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Cherokee Case No. R. 486.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 14, 1902.

Mrs. Videan Tiner,

Melvin, Indian Territory.

Madam:

On the 12th day of December, 1900, your husband, William J. Tiner, appeared before the Commission to the Five Civilized Tribes and made application for your enrollment as a citizen by intermarriage of the Cherokee Nation.

The Commission is authorized to make rolls of citizenship of the Cherokee Nation by the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"That in making rolls of citizenship of the several tribes as required by law, the Commission to the Five Civilized Tribes is authorized and directed to take the roll of Cherokee citizens of eighteen hundred and eighty (not including freedmen) as the only roll intended to be confirmed by this and preceding Acts of Congress, and to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon; and all persons who have been enrolled by the tribal authorities who have heretofore made permanent settlement in the Cherokee Nation whose parents, by reason of their Cherokee blood, have been lawfully admitted to citizenship by the tribal authorities, and who were minors when their parents were so admitted; and they shall investigate the right of all other persons whose name s are found on any other rolls and omit all such as may have been placed thereon by fraud or without authority of law, enrolling only such as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The following provision of the same Act shows that said rolls are to contain the names of only those who are entitled to share in

the lands of the Cherokee Nation:

"That when the roll of citizenship of any one of said nations or tribes is fully completed as provided by law, and the survey of the lands of said nation or tribe is also completed, the commission heretofore appointed under Acts of Congress, and known as the 'Dawes Commission,' shall proceed to allot the exclusive use and occupancy of the surface of all the lands of said nation or tribe susceptible of allotment among the citizens thereof, as shown by said roll, giving to each, so far as possible, his fair and equal share thereof, considering the nature and fertility of the soil, location, and value of same; . . . ."

The first citation of the law shows that in the matter of placing intermarried persons upon said rolls the Commission is therein restricted to "such intermarried white persons as may be entitled to citizenship under Cherokee laws."

The Cherokee law applicable in this case was passed by the Cherokee National Council and was approved December 16, 1895. It is as follows:

"That from and after the passage of this ACT, all non-citizens who may marry Cherokees by blood, Delawares or Shawnees by blood, Citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or Cherokee Nation, and Chapter XII, Article XVI Sections 659 to Sec. 669, inclusive pages 329 to 334 of the Compiled Laws of the Cherokee Nation, is hereby amended (so) as to conform to the provisions of this Act, and to vest no other than political rights in persons not of Cherokee, Delaware or Shawnee blood who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith are hereby repealed."

It appears from the testimony in this case that you were married on the 1st day of October, 1900, to William J. Tiner, your said husband, a citizen by blood of the Cherokee Nation; that you

are not identified on the Cherokee census roll of 1896, and your said marriage was contracted after the enactment of the Cherokee marriage law of December 16, 1895, which law went into effect from and after the passage of the same.

In view of the law and testimony in this case the application for the enrollment of yourself as an intermarried citizen of the Cherokee Nation has this day been refused by the Commission to the Five Civilized Tribes.

A copy of the record of the proceedings had in this application is inclosed herewith.

This decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Very respectfully,

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Inclosure.

T. B. Needles.

By (Signed) [redacted]

Register.

[redacted].

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 11 1902

Receipt of the Commission to the Five Civilized Tribes, one copy of the Commission's letter of notification of its decision rendered FEB 1 1902 in the matter of the application for enrollment as a citizen of the Cherokee Nation

Videan Tiner

Attorney for Cherokee Nation

Cherokee No. P. 486.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 28 1902

ACTING CHAIRMAN

L. R. S. R. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1899-1902.
D. C. 6258-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

Referring to departmental letter of even date rejecting the application of Ella Alberty, R 17, applicant for enrollment as an intermarried citizen of the Cherokee Nation, you are advised that the application of Videan Tiner, R 486, for enrollment as an intermarried citizen of said nation, is hereby rejected because she was married subsequent to the Cherokee law of December 16, 1895, quoted in the decision in the case of Ella Alberty.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

L. R. S. F. J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I. T. D. 1830-1902.
D. C. 5951-1902.

April 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Ella Alberty for enrollment as a Cherokee citizen by intermarriage, R 17, transmitted with your letter of February 14, 1902, and decision of that date rejecting the application, together with other applications, and with the Acting Commissioner of Indian Affairs' letter of March 21, 1902, copy inclosed. A copy of his letter transmitting the case of Benjamin J. Betterton et al. was sent you April 2, 1902.

You rejected the application because of the law of the Cherokee Nation of December 16, 1895, which provides:

" That from and after the passage of this act, all noncitizens who may marry Cherokees by blood, Delawares or Shawnees by blood, citizens of the Cherokee Nation, shall acquire by such marriage no rights of property, lands or money, belonging in common to the Cherokee people or the Cherokee Nation, and chapter 12, article 16, sections 659 to sec. 669, inclusive, pages 329, to 334, of the Compiled Laws of the Cherokee Nation is hereby amended as to conform to the provisions of this act, and to vest no other than political rights in persons not of Cherokee, Delaware, or Shawnee blood, who may marry Cherokees by blood, Delawares, or Shawnees by blood who are recognized citizens. And all laws or parts of laws conflicting herewith, are hereby repealed."

ACTING CHAIRMAN

Referring to sections 659, 660 and 663 of the Cherokee laws compiled in 1892, the Acting Commissioner states that " it has been found that the applicants were married to citizens of the Cherokee Nation, but that such marriages were not performed in accordance with the laws of the Cherokee Nation."

This is not correct, however, as to some of the cases, so far as the laws quoted by the Acting Commissioner are concerned, for in the case of R 21, Charles P. Hunter, the party was married in accordance with Cherokee law, but subsequent to the act of December 16, 1895, and you properly rejected the application on account of that law and not on account of section 659, etc. Besides, said sections had reference to persons marrying " a Cherokee, Delaware or Shawnee woman." The Department has therefore dealt with these cases in accordance with your findings.

It appears that Ella Alberty was married to a Cherokee Indian not according to Cherokee law, subsequent to December 16, 1895, and her application is rejected.

Respectfully,

Thos. Ryan,
Acting Secretary.
D.L.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1902

ACTING CHAIRMAN.

Cherokee R-424

Muskogee, Indian Territory, April 17, 1902.

Vidora Tiner,

Melvin, Indian Territory,

Madam:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting your application for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

Register.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BREDENBRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee-R-486.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 17, 1902.

W. W. Hastings, Esq.,
Atty. for Cherokee Nation,
Muskogee, Indian Territory,

Sir:

You are hereby advised that the Commission's decision of February 14, 1902, rejecting the application of Videan Tiner, Cherokee No. R 486, for enrollment as a citizen of the Cherokee Nation was affirmed by the Secretary of the Interior on the 3rd day of April, 1902.

Very respectfully,

Acting Chairman.

END
OF
ROLL